

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

specify to what section of the act it shall apply and may be voted as a total appropriation to be applied in carrying out the purposes of this act.

Section 9. The provisions of this act shall apply only to cities and towns having a population of less than forty thousand inhabitants.

When act shall apply.

Approved March 16, 1909.

Chapter 74.

An Act to amend Section eighty-five of Chapter fifteen of the Revised Statutes, relating to the payment for teachers' services.

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

Section eighty-five of chapter fifteen is hereby amended by striking out the words between the word "school" in line seven and the word "properly" in line eight and inserting in place thereof the following: "Teachers may be paid for their services at the close of each school month, but no teacher shall receive final payment for services for any term until the register herein described," so that said section, when amended, shall read as follows:

Section 85,
chapter 15,
R. S.,
amended.

'Section 85. Every teacher of a public school shall keep a register thereof, containing the names of all scholars who enter the school, their ages, the dates of each scholar's entering and leaving, the number of days during which each attended, the length of the school, the teacher's wages, a list of text-books used, and all other facts required by the blank forms furnished him. Such register shall at all times be open to the inspection of the school committee, and be returned to them at the close of the school. Teachers may be paid for their services at the close of each school month, but no teacher shall receive final payment for services for any term until the register herein described, properly filled, completed and signed, is deposited with the school committee, or with the person designated by them to receive it.'

Teachers
shall keep
school
register.

—not to be
paid until
register is
completed.

Approved March 16, 1909.

Chapter 75.

An Act amending and additional to Chapter sixty-one of the Revised Statutes, relating to Marriage and the Registration of Vital Statistics.

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

Section 1. Section four of chapter sixty-one of the revised statutes is hereby amended by adding thereto the words, 'Per-

Section 4,
chapter 61,
R. S.,
amended.

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sons who are non-residents of the state intending to be married in this state, shall have their intentions of marriage recorded in the office of the clerk of the town in which they propose to have the marriage solemnized, and the clerk may, upon request, issue his certificate on the same day in which he records the intentions of marriage of non-residents, but no person shall marry any couple before he has received the certificate issued by the town or city clerk, so that said section, as amended, shall read as follows:

Marriage,
notice of
intentions
to be
recorded.

—where one
of the par-
ties lives
out of the
state, how
recorded.

—non-resi-
dents, how
recorded.

‘Section 4. Residents of the state intending to be joined in marriage shall cause notice of their intentions to be recorded in the office of the clerk of the town in which each resides, at least five days before a certificate of such intentions is granted; and if one only of the parties resides in the state, they shall cause notice of their intentions to be recorded in the office of the clerk of the town in which such party resides, at least five days before such certificate is granted; and the book in which such record is made, shall be labeled on the outside of its cover, ‘Record of intentions of marriage,’ and be kept open to public inspection in the office of the clerk; and if there is no such clerk in the place of their residence, the like entry shall be made with the clerk of an adjoining town. Persons who are non-residents of the state, intending to be married in this state, shall have their intentions of marriage recorded in the office of the clerk of the town in which they propose to have the marriage solemnized, and the clerk may, upon request, issue his certificate on the same day in which he records the intentions of marriage of non-residents, but no person shall marry any couple before he has received the certificate issued by the town or city clerk.’

Section 7,
chapter 61,
R. S.,
amended.

Section 2. Section seven of chapter sixty-one of the revised statutes is hereby amended so that the same, when amended, shall read as follows:

Certificate
of marriage
out of the
state to be
filed.

‘Section 7. When residents of this state go into another state for the purpose of marriage, and it is there solemnized, and they return to dwell here, they shall, on the blank prepared by the state registrar for that purpose, fill out and file a certificate of their marriage with the clerk of the town in which each of them lived, within seven days after their return. The clerk shall then record such marriage. Any person who fails to make the report of his marriage to the town clerk as is herein provided shall forfeit twenty dollars, half to the prosecutor, and half to the town where the forfeiture is incurred.’

—penalty.

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Section 3. Section twenty-five of chapter sixty-one of the revised statutes is hereby amended, so that said section, as amended shall read as follows:

Section 25,
chapter 61,
R. S.,
amended.

'Section 25. Within six days following such events, parents shall report to the clerk of their city or town the births or deaths of their children; householders shall report every birth or death happening in their houses; the eldest person, next of kin, shall report the death of his kindred; the keeper of a workhouse, house of correction, prison, hospital, almshouse, or other institution, and the master or other commanding officer of a ship, shall report every birth or death happening among the persons under his charge; and parents and other persons enumerated in this section shall not be absolved from the duty of reporting births until the names of the children have been given to the clerk of the city or town in which the births occur.'

Who are re-
quired to
give notice
of births
and deaths.

Section 4. Section twenty-eight of chapter sixty-one of the revised statutes is hereby amended by striking out the words "from whom said permit was obtained" in the eleventh line and inserting in place thereof the words 'in which the death occurred,' so that said section, as amended, shall read as follows:

Section 28,
chapter 61,
R. S.,
amended.

'Section 28. Except as provided in section twenty-three, no interment or disinterment of the dead body of any human being, or disposition thereof in any tomb, vault or cemetery, shall be made without a permit as aforesaid, from the clerk of the town or city where said person died, or in case of disinterment, is buried, nor otherwise than in accordance with such permit. No undertaker or other person shall assist in, assent to, or allow any such interment or disinterment to be made, except as provided in section twenty-three, until such permit has been given as aforesaid; and every undertaker or other person having charge of any burial place as aforesaid, who shall receive such permit, shall preserve and return the same to the clerk of the town in which the death occurred within six days after the day of burial.'

No inter-
ment or dis-
interment
shall be
made with-
out permit.

—under-
takers.

Section 5. Section twenty-nine of chapter sixty-one of the revised statutes is hereby amended by striking out the word "shall" in the first line and inserting in the place thereof the word 'may,' and by striking out the words "record of death" after the word "said" in the fifth line and inserting in place thereof the words 'death certificate,' and by adding to said section the words, 'and the sub-registrars in any town shall

Section 29,
chapter 61,
R. S.,
amended.

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hold office at the pleasure of the town clerk,' so that said section, as amended, shall read as follows:

Sub-registrars may be appointed who may issue burial permits.

'Section 29. The town or city clerk may appoint two suitable and proper persons, in each town or city, as sub-registrars, who shall be authorized to issue burial permits based upon a death certificate, as hereinbefore provided, in the same manner as is required of the town or city clerk; and the said death certificate upon which the permit is issued shall be forwarded to the town clerk within six days after receiving the same, and all permits by whomsoever issued shall be returned to the town clerk as required by section twenty-eight. The appointment of sub-registrars shall be made with reference to locality, so as to best suit the convenience of the inhabitants of the town, and such appointment shall be in writing and recorded in the office of the town or city clerk, and the sub-registrars in any town shall hold office at the pleasure of the town clerk.'

—how appointed.

Section 35, chapter 61, R. S., amended.

Section 6. Section thirty-five of chapter sixty-one of the revised statutes is hereby amended by striking out the words "twenty-five hundred" in the first line and inserting in lieu thereof the words 'three thousand,' so that said section, as amended, shall read as follows:

Appropriation.

'Section 35. The sum of three thousand dollars a year, is hereby appropriated for printing and binding the circulars and blanks, for postage and expressage, and to defray the expenses of clerical work and the necessary traveling expenses of the state registrar in carrying out the provisions of this chapter relating to the registration of vital statistics.'

Section 38, chapter 61, R. S., amended.

Section 7. Section thirty-eight of chapter sixty-one of the revised statutes is hereby amended by inserting after the word "ten" in the second line thereof the word 'nineteen,' and by inserting after the word "twenty" in the same line thereof, the word 'twenty-one,' so that said section, as amended, shall read as follows:

Duties of clerks.

'Section 38. The clerk of each city or town shall enforce, so far as comes within his power, sections ten, nineteen, twenty, twenty-one, twenty-two, twenty-five, twenty-eight and thirty-one of this chapter, and when he knows of any birth, marriage or death, which is not reported to his office in accordance with the provisions of this chapter, he shall collect so far as he is able to do so, the facts called for in the blank certificates of birth, of marriage, or of death, as furnished by the state registrar, and shall record them as is herein prescribed; for each birth or death duly reported to the town clerk, physicians shall

receive twenty-five cents from the town in which the birth or death has occurred.'

Section 8. When the state registrar of vital statistics believes that, in any place in this state, the records of births, marriages, or deaths are not made as is provided by law, or that any person neglects or fails to perform any duty provided in the law relating to the registration of vital statistics, the said registrar may visit such places and make such investigations as he may deem necessary, and all records, blanks and papers of town clerks relating to births, marriages or death shall be open to his examination, and any person who refuses such examination or hinders such investigation shall be guilty of a misdemeanor and shall be fined not less than five nor more than twenty dollars. All actual traveling and other necessary expenses thus incurred by the state registrar, or incurred in attending the prosecution of cases brought by county attorneys, under the provision of section thirty-seven of this chapter, shall be paid by the state from the appropriation provided in section thirty-five, but not more than two hundred dollars shall thus be paid to the state registrar for such expenses in one year.

Duty of state registrar of vital statistics, in certain cases.

---expenses, how paid.

Section 9. When a town or city clerk receives a certificate of the death of any person who has died of tuberculosis in his town, he shall forthwith send a copy of said certificate to the health officer of his town or city, or where there is no health officer, to the secretary of the local board of health.

Health officer to be notified.

Section 10. The registrar of vital statistics shall require all copies which are transmitted under the provisions of section thirty-two of chapter sixty-one to be typewritten or written with black durable ink in a fair or legible hand, and a city or town clerk who neglects or refuses to make or cause to be made typewritten or fair and legible copies as required shall forfeit not less than twenty nor more than one hundred dollars, to the use of the state.

All copies shall be typewritten, or in legible hand.

Approved March 16, 1909.

Chapter 76.

An Act to prohibit expectoration in certain Public Places and Conveyances.

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

Section 1. No person shall expectorate or spit on any public sidewalk, or public street crossing, or cross walk, or, except in receptacles provided for the purpose, upon the floor in any

Spitting in public places, prohibited.