

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Ninth Legislature

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Sec. 12. Inconsistent statutes repealed. All acts and parts of acts conflicting with the provisions of this act are repealed in so far as they are inconsistent herewith.

Approved April 4, 1919.

Chapter 189.

An Act Providing for Cooperation with the United States in the Settlement of Returned Soldiers, Sailors, and Marines, on State Lands and Lands Acquired under this Act; Creating a Soldier Settlement Board, Defining its Powers and Duties, and Making an Appropriation Therefor.

Emergency preamble. Whereas, our soldiers, sailors and marines daily are returning in increasing numbers, many of whom are now without homes, occupation or means or support, and

Whereas, it is the plan of the Federal Government to cooperate with the several states in providing for the settlement of returned soldiers, sailors and marines on state and other lands in the states, and

Whereas, in the opinion of this legislature these facts constitute this act an emergency measure, which is immediately necessary for the preservation of the public peace, health or safety, now therefore,

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

Sec. 1. Denomination. This act may be known and cited as "The Soldier Settlement Act."

Sec. 2. Object to supply rural homes. The object of this act, is, in recognition of military service, to provide employment and rural homes for soldiers, sailors, marines, and others who have served with the armed forces of the United States in the European War or other wars of the United States, including former American citizens who served in allied armies against the Central Powers and have been repatriated, and who have been honorably discharged, hereafter referred to generally as "soldiers"; and to accomplish such purpose by cooperation with the agencies of the United States engaged in work of a similar character.

Sec. 3. Soldiers' Settlement Board created; expenses; secretary and legal adviser; may employ assistants. Two alternative plans for such cooperation are embodied herein, one in section seven and the other in section eight, all other sections in this act contained being equally applicable to both said plans. In order to carry out the provisions hereof there is hereby established a fund to be known as the Soldiers' Settlement Fund, by appropriation herein and hereafter made. For cooperation with the agencies of the United States there is hereby created a Soldiers' Settlement Board hereafter referred to as the board, composed of the governor, the state auditor, the land agent and forest commissioner, the commissioner

of agriculture, and the state superintendent of public schools. The officers composing this board shall receive no additional compensation on account of said services, but shall be paid their necessary and reasonable expenses incurred in the performance of their duties under this act. The state auditor shall act as secretary of the board. The attorney general shall be the legal adviser of the board and prosecute and defend any suits or actions arising out of the discharge of their official duties. Three members shall constitute a quorum, which may exercise all the powers and authority conferred on the board. The board may employ and fix the compensation of such other officers and assistants as it deems necessary to carry into effect the purposes of this act.

Sec. 4. Available lands; cooperation with United States authorities; powers of board. The board shall satisfy itself of the practicability of each undertaking proposed, utilizing all related and serviceable state agencies, all which are hereby authorized and directed to cooperate with and assist said board in every way, and thereupon shall cooperate with the authorities of the United States in the preparation of plans for settlement of soldiers. The board is authorized to utilize public lands of the state and to acquire agricultural lands which may be deemed suitable for settlement, together with necessary water rights, rights of way, and other appurtenances, for settlement for purposes of husbandry and business incidental thereto. When deemed advisable in the discretion of the board and the cooperating agencies of the United States, any of said lands may be leased until it may be deemed advisable to sell or use the same. The board may also set aside and dedicate to public use appropriate tracts for roads, school houses, churches or other public purposes. Any lands belonging to the state and deemed by the board suitable for the purposes of this act shall be available for disposition by the board and the state land agent and forest commissioner shall cooperate with the board in every way necessary to carry out the purposes of this act in regard to such lands. The board is hereby authorized to perform all acts necessary to cooperate fully with the agencies of the United States engaged in work of similar character.

Sec. 5. Acquisition of new lands; proceedings. Whenever the board, in accordance with plans agreed upon with the authorities of the United States, desires to acquire land, it shall give notice by publication in one or more newspapers of general circulation in the state and in the counties where the lands lie calling for offers from owners of land of the character desired. Such notice shall be published once a week for five consecutive weeks, the last date of publication being not more than one week prior to the date of opening offers, and shall specify the matter which should be incorporated in such offers. After thorough investigation and report

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as to the character of the lands, rights and appurtenances, upon an examination by one or more members of the board, together with a representative of the cooperating agency of the United States, and such experts of the state agricultural college and others as may be deemed advisable, and after approval by the attorney general of the state of the title to lands and any water rights or other rights appurtenant thereto deemed essential by the board, and after approval of the purchase by the authorities of the United States and arrangements made by the United States so that the federal government may undertake the reclamation of the lands if necessary, and for improvement and subdivision of the lands, the board may recommend the acquirement of the land to the governor, and on the approval by the governor, with the consent of the council the lands deemed necessary for carrying out the plans agreed to with the United States, shall be acquired by purchase, gift, or condemnation. Payment, if necessary, shall be made out of funds provided by the state or shall be by settlers under conditions fixed by agreement between the board and the owners of said lands. The board shall have the discretion to reject any or all offers, to accept offers which may not be the lowest and to readvertise from time to time as it may deem necessary.

Sec. 6. Title of lands taken. In cooperating with the agencies of the United States the board is empowered to take title in the name of the state to lands in fee simple or in trust or under such other conditions as may be deemed advisable for the purposes of this act, and may convey title thereto or execute such liens as may be necessary for carrying out the plans decided upon in cooperation with the agencies of the United States. The title to the land furnished by the state shall be held by all purchasers under such conditions and restrictions as may be specified in the federal statutes relating to this subject, or approved by the secretary of the interior.

Sec. 7. First alternative plan. The basis of cooperation under the first alternative plan shall be that the state shall provide the land needed for settlement and the United States shall provide the money necessary to meet the expenses of reclamation and subdivision and the necessary improvements and equipment, perform the necessary work and have charge of all settlement work. The board shall make appropriate arrangements with the agencies of the United States for repayment to the state of the cost of land furnished by the board which may be utilized in providing homes for the soldier, and all money so received or otherwise received by the board shall be turned into the Soldier Settlement Fund and be available for meeting the obligations of the board on account of the land and for further expenditures in accordance with the provisions of this act. The moneys so payable to the state shall be collected by federal agencies,

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and the board may contract with the United States to the end that where disbursements have been made by way of construction costs for the reclamation and improvement of any given land, repayments to the United States on account thereof shall be divided between the Federal Government and the State Soldier Settlement Fund in proportion to the disbursements made by the federal agencies and the board respectively.

Sec. 8. Second alternative plan. The basis for cooperation under the second alternative plan shall be that the board shall make actual expenditures in an amount not less than twenty-five per cent of the total investment for reclamation as hereinafter defined, for actual payment for the land, for farm improvements as hereinafter defined, and for the purchase of farm implements, seed, stock and other necessary equipment, any actual outlay of money for the lands to be used being computed as a part of such twenty-five per cent, and the board shall have the option, under the supervision of the secretary of the interior, to control the preparation of the land as homes and the settlement thereof under such agreement as may be made with the United States and in accordance with the following provisions:

(a) After the necessary financial plans have been made, the board shall proceed with such work, providing in the subdivision of the land for farms each having a value when unimproved as determined by the board not exceeding three thousand dollars, and for farm laborer allotments each having a value when unimproved as determined by the board, not exceeding fifteen hundred dollars; and the board may make the necessary improvements or may contract with the settler to make such improvements upon each farm or farm allotment, among others the following: seeding, planting and fencing the land and causing dwelling houses and outbuildings to be erected, the construction of farm drains and laterals and the making of such other improvements as may be deemed necessary or proper to render the particular farm or allotment habitable and productive, the same being collectively hereinafter referred to as "farm improvements." The maximum expenditure for farm improvements upon any allotments shall be fixed as to each project by agreement between the board and the agencies of the United States. The contract with the United States may provide for the construction by the federal government of works for drainage, irrigation, building levees, general sanitation and the subdivision of the lands and for the clearing of timber, as the nature of the individual project shall require and for the leveling of land when necessary, and other work needed to render one or more groups of farms available for agriculture, which work is defined for the purposes hereof as "reclamation."

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(b) The board is authorized to secure from the United States the necessary funds to make loans to approved settlers for making permanent improvements and for the purchase of farm improvements, stock and other necessary equipment, which are defined for the purposes hereof as "short-time loans", each to be secured by a mortgage or other effective lien on the land or upon property purchased with said loan; the total amount of each short-time loan shall not exceed three thousand dollars for a farm or one thousand dollars for a farm laborer allotment. As funds are needed from the United States the proper agencies thereof shall be requested to advance the same. Such funds shall be used for no other purpose than as provided for by the federal laws, and the rules and regulations. Each employee of the board handling such funds shall be required to give bond of an amount and with sureties satisfactory to the agencies of the United States having charge of soldier settlement work. Any interest which may accrue upon funds advanced by the United States shall be credited to the account of the United States. The board is authorized to give to the agencies of the United States such assurances of repayment of moneys advanced by the United States by mortgages, liens or assignment of mortgages or liens or otherwise as may be required by the federal laws and the rules and regulations thereunder.

(c) The board is hereby authorized to take over from the secretary of the interior of the United States and to operate and maintain any irrigation, drainage or other works or improvements constructed for the benefit of soldiers by the U. S. Reclamation Service, and involving lands owned or controlled by the board under this act, and shall become responsible for the proper care thereof and provide for the repayment of the cost thereof. The board shall require of each purchaser of land the payment of proper and reasonable charges for the operation and maintenance and preservation of such works and shall also be authorized to make reasonable charges pursuant to general regulation for services rendered to the purchasers of lands and others.

(d) The board shall collect from settlers the sums due for principal and interest on lands, reclamation costs, farm improvements and in payment of short-time loans, and shall first repay all sums advanced by the United States for short-time loans to settlers and thereafter the payments of settlers shall be divided between the state and the United States in proportion to the amounts due them respectively, all amounts due the state being turned into the Soldier Settlement Fund, and be available to meet the board's obligations.

(e) The lands disposed of under this act shall be sold in accordance with plans prepared in cooperation with the agencies of the United States for soldier settlement, after public notice in one or more newspapers of

general circulation in the state, once a week for five consecutive weeks, the last date of publication being not more than one week prior to the date of sale, setting forth in general terms the information necessary for the public and providing for detailed statements to be available at the office of the board and other convenient places which shall supply full information as to the farms and allotments and the several prices therefor. The manner of sale shall be such as to afford equal opportunity to all qualified soldiers desiring to purchase. The purchaser may be required to make application in a form approved by the board stating among other things, whether he has available the minimum amount of capital deemed necessary by the board, which shall be not less than ten per cent of the improved and equipped value of the farm or allotment, and whether he can comply with the terms of payment and give such assurances in regard thereto as the board may require. The board shall have the discretion to reject any or all applications and to readvertise from time to time any or all tracts, as it deems necessary. Any land which may be purchased or otherwise acquired, not deemed necessary for the purposes of this act, may be sold after public notice for the same period of advertisement as herein specified, upon such terms as the board may prescribe.

(f) The soldier to be a qualified applicant must be a citizen of the United States and must satisfy the board that he is not the holder of agricultural land or possessory rights which, together with the land, improvements, and equipment to be purchased hereunder, shall exceed a value of fifteen thousand dollars. No purchaser shall hold more than one farm or allotment on which all charges are not fully paid, and each purchaser shall satisfy the board as to his fitness to cultivate and develop the same successfully, both financially and otherwise. The board may, in its discretion, require applicants to appear before it in person.

(g) Each approved applicant shall enter into contract of purchase which, among other things, shall create a mortgage or other effective lien for the payment of the purchase price of the land, the reclamation costs and the farm improvements and other charges, if any, and also require the purchaser to actually occupy the land within six months and to actually reside thereon for at least eight months in each calendar year for a period of at least five years, unless prevented by illness or other cause satisfactory to the board; any other absence from the land exceeding four months in any calendar year shall be a breach of the contract. The contract shall provide for immediate payment of two per cent of the sale price of the land, including reclamation costs and in addition not less than ten per cent of the cost of the farm improvements. The balance of the amount for the land and reclamation costs shall be due as follows: two per cent each year for the first four years, and thereafter shall be due in annual payments to be fixed by the board for a further period not exceeding forty

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years so as to repay the capital sum with interest on deferred payments from the date of the contract at the rate of four per cent per annum. The title to the land shall not pass until full payment for the land and the reclamation costs. The amount due on farm improvements shall be repaid in a period to be fixed by the board not exceeding twenty years so as to return the capital sum with interest on deferred payments at the rate of four per cent per annum. The repayment of short-time loans shall extend over a period to be fixed by the board not exceeding five years, payable in such amounts and at such times as may be determined by the board. The purchaser shall have the right on any installment date to pay any or all installments thereafter due.

(h) The contract shall also provide that the purchaser shall cultivate the land in a manner to be approved by the board and shall keep in good order all buildings, improvements, and equipment, reasonable wear and tear excepted. Each purchaser shall pay such assessments as may be levied by the board to provide the equivalent of insurance to protect the interest of the state and the United States in all buildings, improvements and equipment, and in case of loss shall pay from the fund created by such assessments, such amounts, to the state, the United States or the purchaser as such board shall determine to be equitable and just; and to provide when possible for life, health and accident insurance.

(i) The contract shall also provide that until all payments thereunder have been made no farm or allotment shall be transferred, assigned, or mortgaged in whole or in part without the written consent of the board.

(j) The contract shall also provide that in case of failure of the settler to comply with any of the terms thereof the board shall have the right, at its option, to cancel the contract and shall thereupon be released from all obligations under the contract and the purchaser shall forfeit all rights under the contract. All payments theretofore made shall be deemed to be a rental paid for occupancy, so far as to the board shall seem right and just, any excess of payments above such just rental to be paid to the settler and his heirs. The failure of the board to exercise any option to cancel for default or violation of the contract shall not be deemed a waiver of such right but the same may be exercised thereafter. No forfeiture or cancellation shall in any way impair the lien and security of the mortgage or other lien securing the purchase price of the land, and reclamation costs and farm improvements, or the repayment of loan. Upon forfeiture, cancellation, or relinquishment of a contract the board shall have the right to sell any farm or allotment and appurtenances, improvements, and equipment to any other qualified purchaser. If a contract is forfeited and the holding has been disposed of for more than the total sum due the state and the United States under the contract, the surplus shall be paid to the allottee, his heirs, legal representatives or assigns.

(k) In case of the death of any purchaser before full payment the rights under the contract shall pass to his heirs or devisees, who shall be bound by all the conditions thereof but may surrender the same to the board upon terms and conditions satisfactory to the board.

Sec. 9. Agricultural training to be provided. The board may provide all necessary means for furnishing agricultural training for the soldier so as to render him better qualified for the cultivation of his land. The board is authorized to arrange with the agencies of the federal government for sharing in the expense of such work under appropriate conditions of supervision by the federal government.

Sec. 10. Board may organize districts when feasible. In any case where works have been or are to be constructed which are of general benefit to an area involving a number of farms or allotments as in the case of irrigation, drainage, clearing cut-over land or other means of reclamation or development, and where the cooperating federal agencies find that the interest of the project would be advanced by the organization of an irrigation, drainage, conservancy, improvement district or other public corporation, the board shall take all necessary steps in its power to accomplish such organization. The board is authorized to contract with such district or the United States, or both, to carry out any or all provisions of this act.

Sec. 11. State may take over lands by purchase or otherwise; proceedings. For the purpose of carrying out the provisions of this act, the state shall have power and is hereby authorized to take and hold by purchase or otherwise such lands, or real estate as may be necessary for carrying out the provisions of this act. It may enter upon said lands or real estate to make surveys and locations and shall file in the registry of deeds in the county in which the lands or real estate lie, plans of such locations of land or real estate, showing the lands or real estate taken and within thirty days thereafter publish such notice of such taking and filing in the state paper and in some newspaper in said county, such publication to be continued three weeks successively. Should the state and owner of such land or real estate be unable to agree upon the damages to be paid for such land or real estate taken and holden, the owner thereof or the state may within six months after the filing of said plans and location apply to the county commissioner of the county in which the lands or real estate lie, who shall cause such damages to be assessed in the same manner and under the same conditions, restrictions, limitation and rights of appeal as are by law prescribed in the case of damages for land taken for the laying out of highways, so far as such law is consistent with the provisions of this act. Upon request of the board the attorney general shall promptly initiate and carry on appropriate proceedings under this section.

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Sec. 12. Surplus lands open to other settlers. Whenever the secretary of the interior and the board shall find that all or any part of such lands remaining available will not be required for homes for soldiers they may be opened to disposition to other citizens of the United States, subject to the provisions and limitations of this act.

Sec. 13. Board to report to legislature. The board shall report to the legislature biennially giving a full statement of its operations and shall also make investigations regarding the subjects with which it is authorized to deal, and make recommendations for legislation. The board shall furnish a copy of its report to the secretary of the interior.

Sec. 14. Board given plenary powers. The board is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

Sec. 15. Owners may place lands in hands of trustees for approval. Owners of approved tracts instead of selling to the state may place the same in the hands of trustees to be selected by them and approved by the board and proper federal authorities at an agreed price and have all the benefits of this act, receiving payment for such tracts through such trustees the same as the state would, had the state become the purchaser thereof.

Sec. 16. Lands aggregating ten thousand acres and upwards designated "Soldiers Districts." Where convenient but not necessarily contiguous acres each less than ten thousand acres but aggregating ten thousand acres and upwards can be advantageously grouped and handled as one tract, they may, for the purposes of this act, be designated and known as "Soldiers Districts" and administer under the provisions of this act.

Sec. 17. "Reserve Land Fund" made available. For the purpose of carrying out the provisions of this act so much of the reserve land fund not otherwise invested as may be necessary to carry out the provisions of this act is hereby appropriated for said purpose.

Sec. 18. Unconstitutional portions not to invalidate entire act. If any part of this act shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the particular part thereof directly involved in the controversy wherein such judgment shall have been rendered.

Sec. 19. Inconsistent statutes repealed. All laws in so far as inconsistent with the terms of this act are hereby repealed.

Sec. 20. Emergency. In view of the emergency cited in the preamble, this act shall take effect when approved.