

MAINE STATE LEGISLATURE

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REPORT
OF
THE COMMISSIONER
ON THE
REVISION AND CONSOLIDATION
OF THE
PUBLIC LAWS
OF THE
STATE OF MAINE
UNDER
RESOLVE OF APRIL 15, 1927

AUGUSTA
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1928

SEVENTH REVISION OF THE PUBLIC LAWS

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-NINE.

AN ACT

TO REVISE AND CONSOLIDATE THE PUBLIC LAWS
OF THE STATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF MAINE,
in the manner stated under the several titles and chapters, not
including abstracts of sections, notes, or references:

TITLE ONE.

The State: Its Sovereignty, Divisions, Domain Revenue; Parts Of Its Civil And Military Administrations.

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- CHAP. 1. Divisions of the state. Constitutional amendments. Statutes. Rules of construction. Standard time. Fiscal year.
2. Sovereignty and jurisdiction. State parks. Public grounds and buildings. Legislature. Tenure and qualification for office. Secretary of state. Treasurer of state and state bonds. State auditor. State budget committee. Appropriations and expenditures.
 3. State historian. Public documents. State printing and binding. Superintendent of public printing. State paper.
 4. Libraries.
 5. Towns, their meetings, officers, powers, duties.
 6. Citizenship. Qualification of voters. Right to hold office. Registration of voters.
 7. Nominations of candidates for office.
 8. Elections.
 9. Absent voting act.
 10. Corrupt practices act.
 11. Public lands. Forest commissioner and preservation of forests. Maine forestry district. Auxiliary state forests.
 12. The board of state assessors and the assessment of excise taxes.
 13. The assessment of taxes.
 14. The collection of taxes.
 15. Registers of deeds.
 16. County treasurers.
 17. Indian tribes.
 18. The military law.
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CHAPTER 1.

Divisions of the State. Constitutional Amendments. Statutes. Rules of Construction. Standard Time. Fiscal Year.

- Section 1 Divisions of the State.
 Sections 2-3 Constitutional Amendments.
 Sections 4-5 Statutes.
 Sections 6-7 Rules of Construction.
 Sections 8-10 Standard Time.
 Section 11 Fiscal Year.

Divisions of the State.

Sec. 1. Divisions of the state. R. S. c. 1, § 1. The state is divided into counties, districts, towns, and plantations.

72 Me. 432; 105 Me. 372.

Constitutional Amendments.

Sec. 2. When constitutional amendments take effect. R. S. c. 1, § 2. Unless otherwise provided in the resolve submitting it, every constitutional amendment shall take effect and become part of the constitution, on the first Wednesday of January following its adoption by the people.

Sec. 3. Proclamation and publication thereof. R. S. c. 1, § 3. Within thirty days after it appears that a constitutional amendment has been adopted, the governor shall make proclamation thereof, and the secretary of state shall forthwith cause such proclamation to be published in the state paper, and it shall also be prefixed to the next volume of acts and resolves.

Statutes.

Sec. 4. Notice of approval of public acts. R. S. c. 1, § 4. When a public act is approved by the governor, the secretary of state shall give written notice thereof to the presiding officers of the senate and house, describing it by its title, and the date of its approval, which shall be entered on the journal of each house.

See c. 2, § 80; 81 Me. 546.

Sec. 5. Construction and effect of repealing acts. R. S. c. 1, § 5. The repeal of an act or resolve passed after the fourth day of March, eighteen hundred and seventy, does not revive any statute in force before the act or resolve took effect. The repeal of an act does not affect any punishment, penalty or forfeiture incurred before the repeal takes effect, or any suit, or proceeding pending at the time of the repeal, for an offense committed or for recovery of a penalty or forfeiture incurred under the act repealed. Actions pending at the time of the passage or repeal of an act, are not affected thereby.

See const. of Me., Art. IV. §§ 16-22, added by amend. XXXI. (when acts take effect).

*23 Me. 237; 45 Me. 73, 514; 49 Me. 533; 61 Me. 24; 63 Me. 29, 30; 64 Me. 435; 65 Me. 129; 68 Me. 396, 520, 527; 70 Me. 278; 71 Me. 404; 73 Me. 212; 75 Me. 444; 88 Me. 227; 93 Me. 127; 95 Me. 315.

Note. In this volume references to leading cases in the Maine Reports are marked with a *.

Rules of Construction.

Sec. 6. Rules of construction. R. S. c. 1, § 6. The following rules shall be observed in the construction of statutes, unless such construction is inconsistent with the plain meaning of the enactment.

I. Words and phrases shall be construed according to the common meaning of the language. Technical words and phrases and such as have a peculiar meaning convey such technical or peculiar meaning. The words "and" and "or" are convertible as the sense of a statute may require.

47 Me. 347; 49 Me. 525; 58 Me. 170, *328; 63 Me. 63; 64 Me. 129; 72 Me. 425, 461; 75 Me. 116; 88 Me. 404; 98 Me. 83; 105 Me. 111; 111 Me. 286; 112 Me. 362; 115 Me. 110; 118 Me. 60, 97.

II. Words of the singular number may include the plural; and words of the plural number may include the singular. Words of the masculine gender may include the feminine.

48 Me. 550; 72 Me. 428; 105 Me. 306; 124 Me. 161.

III. Words giving authority to three or more person authorize a majority to act, when the enactment does not otherwise determine.

39 Me. 223; 48 Me. 358-9, 406; 62 Me. 519; 63 Me. 265; 64 Me. 262; 77 Me. 129; 79 Me. 130; 117 Me. 75; 123 Me. 112.

IV. The words "annual meeting," applied to towns, mean the annual meeting required by law for choice of town officers.

62 Me. 517; 96 Me. 434.

V. The word "grantor" means the person who conveys a freehold estate or interest in land; and the word "grantee," the person to whom it is conveyed.

VI. The word "highway" may include a county bridge, county road or county way.

See c. 27, § 99; c. 29, § 1. 18 Me. 412; 26 Me. 409; *34 Me. 12; 59 Me. 368, *452; 79 Me. 528; 106 Me. 302; 120 Me. 28.

VII. The word "inhabitant" means a person having an established residence in a place.

37 Me. 372; 106 Me. 236.

VIII. The words "insane person" may include an idiotic, non compos, lunatic, or distracted person; but in reference to idiotic or non compos persons this rule does not apply to sections three to fifty-two, both inclusive, of chapter one hundred and fifty-five.

49 Me. 361; 53 Me. 207; *76 Me. 595.

IX. The word "issue," applied to the descent of estates, includes all lawful lineal descendants of the ancestor.

95 Me. 277; 104 Me. 310.

X. The word "land" or "lands" and the words "real estate" include lands and all tenements and hereditaments connected therewith, and all rights thereto and interests therein.

See c. 13, § 3; c. 77, § 34; 69 Me. 347; 78 Me. 97; 85 Me. 331; 86 Me. 77, 131; 105 Me. 532; *115 Me. 404; *123 Me. 546.

XI. The words "timber and grass," when used in reference to the public lots, so called, in unincorporated townships in the state, mean all growth of every description on said lots.

XII. The word "month" means a calendar month; and the word "year," a calendar year, unless otherwise expressed. The word "year," used for a date, means year of our Lord.

47 Me. 393; 64 Me. 332.

XIII. The word "oath" includes an affirmation, when affirmation is allowed.

79 Me. 103.

XIV. The word "person" may include a body corporate.

See c. 40, § 53; c. 46, § 13; c. 77, § 34; 70 Me. 181; 95 Me. 448; 105 Me. 306.

XV. By the words "preceding" or "following," used with reference to a section, is meant the section next preceding or following that in which it is used, when not otherwise expressed.

XVI. When the seal of a court, magistrate, or public officer is to be affixed to a paper, the word "seal" may mean an impression made on the paper for that purpose with or without wafer or wax.

33 Me. 427; 34 Me. 222; 36 Me. 368; *66 Me. 227.

XVII. Whenever a corporate seal is used or required on any instrument, an impression made on the paper of such instrument by the seal of the corporation, without any adhesive substance, shall be deemed a valid seal.

XVIII. The words "United States" include territories and the District of Columbia. The word "state," used with reference to any organized portion thereof, may mean a territory or said district.

XIX. The word "town" includes cities and plantations, unless otherwise expressed or implied.

56 Me. 31; 66 Me. 155; 71 Me. 142; 77 Me. 422; 82 Me. 194.

XX. The words "in writing" and "written" include printing and other modes

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of making legible words. When the signature of a person is required, he must write it or make his mark.

56 Me. 392; 68 Me. 387, 587; 104 Me. 263; 124 Me. 22.

XXI. The word "will" includes a codicil.

XXII. The words "sworn," "duly sworn," or "sworn according to law," used in a statute, record, or certificate of administration of an oath, refer to the oath required by the constitution or laws in the case specified, and include every necessary subscription to such oath.

30 Me. 326; 41 Me. 226; 42 Me. 376; 58 Me. 532; 84 Me. 378; *114 Me. 492.

XXIII. When an act that may be lawfully done by an agent, is done by one authorized to do it, his principal may be regarded as having done it.

48 Me. 554; *59 Me. 175; 68 Me. 92, 387; 95 Me. 554.

XXIV. When a person is required to be disinterested or indifferent in a matter in which others are interested, a relationship by consanguinity or affinity within the sixth degree according to the civil law, or within the degree of second cousins inclusive, except by written consent of the parties, will disqualify.

*29 Me. 542; *30 Me. 156; 32 Me. 311, 312 (note); *47 Me. 476, 594; 52 Me. 501; 59 Me. 264; *66 Me. 352; 68 Me. 219; *73 Me. 58; *79 Me. 33; *84 Me. 305; 86 Me. 187.

XXV. The term "municipal officers" means the mayor and aldermen of cities, the selectmen of towns, and the assessors of plantations.

See c. 137, § 23; 56 Me. 31; 71 Me. 142; 74 Me. 369; 78 Me. 106; 102 Me. 398; 105 Me. 146; 114 Me. 448.

XXVI. The words "state paper" mean the newspaper designated by the legislature, in which public acts, resolves, advertisements, and notices are required to be published.

See c. 92, § 7.

XXVII. Abstracts of titles, chapters and sections, and notes are not legal provisions.

111 Me. 48.

XXVIII. Acts of incorporation shall be regarded in legal proceedings as public acts. All acts of incorporation granted since the first day of January, eighteen hundred and ninety-three, become null and void in two years from the day when the same take effect, unless such corporations shall have organized and commenced actual business under their charters.

24 Me. 143; *69 Me. 317; 83 Me. 445; 93 Me. 127; 97 Me. 563.

XXIX. The organization of any corporation under any general law of the state becomes null and void in two years from the day when its certificate of incorporation has been filed in the office of the secretary of state, unless such corporation shall have commenced actual business under its organization.

See c. 55, § 11; c. 56, §§ 71, 133; c. 59, § 161; c. 60, § 4; c. 62, § 7; c. 64, § 13.

XXX. For the purpose of filling a public office, the terms "vacant" and "vacancy" include the case where the person elected or appointed to such office is ineligible, dies, or becomes incapacitated before qualifying for the same as required by law.

See P. L. 1917, c. 117.

Note. It was thought best to redraft this as a new paragraph here on account of its general application.

Sec. 7. Affirmations. R. S. c. 1, § 7. When a person required to be sworn is conscientiously scrupulous of taking an oath, he may affirm.

*78 Me. 488; 79 Me. 103.

Note. Definitions under primary election law, c. 7, § 1; under Australian ballot law, c. 8, § 1; under corrupt practices act, c. 10, §§ 1, 2; under law for inspection of plumbing, c. 22, § 122; under state highway and bridge law, c. 28, § 2; under motor vehicle law, c. 29, § 1; under inland fisheries and game law, c. 37, §§ 17, 57; under law against adulteration or misbranding of goods, c. 40, §§ 2, 4, 13, 18, 19, 22, 23, 24, 26, 40, 42, 45, 67; under law relating to employment agencies, c. 46, § 13; under law relating to department of labor and industry, c. 53, §§ 14, 16; under workmen's compensation act, c. 54, § 1; under the public utilities law, c. 61, § 16; under succession tax law, c. 77, § 34; under insolvent law, c. 83.

Standard Time.

Sec. 8. Standard time defined; establishing other system of time prohibited. R. S. c. 1, § 8; 1925, c. 57, § 1. Within the state of Maine, the standard time shall be based on the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich, known and designated by the federal statute as "United States Standard Eastern Time." It shall be unlawful for any town or other municipality to vote for, or otherwise establish, any other system of time.

Sec. 9. All courts, public institutions, employers of labor, contracts, etc., to be governed by U. S. Standard Eastern Time. R. S. c. 1, § 8. 1927, c. 103, § 1. All courts, all schools, all state, county, and town officers, all institutions which receive any financial aid from the state, all persons and corporations employing clerks or other labor, all proceedings in law or equity, all decrees, orders, rules and regulations, and all contracts or choses in action made to be performed in this state, unless it is otherwise provided in such contract, or relating to the time in which any rights shall accrue or determine, or within which any act shall or shall not be performed, shall be governed by, and shall compute the hours of the beginning, duration, and ending of each day by and according to said time known and designated as United States Standard Eastern Time.

Sec. 10. Jurisdiction of courts; procedure. 1925, c. 57. 1927, c. 103, § 2. The supreme judicial court in equity, by writ of injunction or otherwise, may restrain or annul proceedings in any town or city in violation of the two preceding sections upon application of ten or more taxable citizens of the state, and a writ of temporary injunction may issue forthwith without the filing of a bond by such petitioners.

Fiscal Year.

Sec. 11. State fiscal year to end June 30th. Department reports governed by this. 1921, c. 69. 1923, c. 63. The fiscal year for all state officers, departments, boards, and institutions of the state is hereby fixed to begin on the first day of July and to end on the last day of June of each year. All departments required by law to submit an annual or biennial report shall, beginning July first, nineteen hundred and twenty-two, submit such report annually or biennially as required by law for the fiscal year or years, defined above.

Provided, however, that this section shall apply to the state highway commission only so far as it relates to a report of its fiscal affairs.

§ 12; under law relating to cruelty to animals, c. 135, § 73; under uniform bills of lading act, c. 163, § 53; under uniform warehouse receipts act, c. 163, § 58; under negotiable instrument act, c. 164, § 191; under uniform sales act, c. 165, § 76.

Definitions of words: "benevolent and charitable corporations" c. 13, § 6, Par. III; "militia" and "national guard," c. 18, §§ 1, 2; "academy," c. 19, § 110; "doctor," c. 21, § 16; "registered nurse," c. 21, § 23; "public health nursing," c. 21, § 24; "practitioner of dentistry," c. 21, §§ 25, 37; "dental hygienist," c. 21, § 42; "practitioner of optometry," c. 21, §§ 47, 48; "osteopath," c. 21, § 66; "chiropractor," c. 21, § 77; "chiropractic," c. 21, § 82; "veterinary surgeons," c. 21, § 85; "way" and "team," c. 29, § 1; "family," c. 32, § 9; of "nursery stock," c. 42, § 1; "public warehouseman," c. 43, § 8; "itinerant vendors," c. 45, § 25; "serious physical injuries" (relating to industrial accidents), c. 53, § 16; "dealer," "securities" (in "Blue Sky Law"), c. 56, § 161; "domestic" and "foreign" (in insurance law), c. 59, § 103; "association" in insurance laws, c. 60, § 27; "dwelling house," c. 130, § 8; "bucket shop," c. 136, § 13; "intoxicating liquors," c. 137, § 6; "butter" and "cheese," c. 140, § 12; "felony," c. 143, § 11; "owner," c. 143, § 12; "prison service" and "good record" (in state prison pension law), c. 152, § 37.

Designation of certain nuisances, c. 26; definition of certain crimes and offenses cc. 127-141.

CHAPTER 2.

Sovereignty and Jurisdiction. State Parks. Public Grounds and Buildings. Legislature. Tenure and Qualification for Office. Secretary of State. Treasurer of State and State Boards. State Auditor. State Budget Committee. Appropriations and Expenditures.

Sections 1- 26	Sovereignty and Jurisdiction.
Sections 27- 29	State Parks.
Sections 30- 36	Public Grounds and Buildings.
Sections 37- 43	Organization of the Legislature.
Sections 44- 49	Legislative Counsel and Agents.
Sections 50- 54	Notice of Petitions for Legislation.
Sections 55- 58	Tenure of Office. Qualification of Officers.
Sections 59- 69	Secretary of State.
Sections 70- 95	Treasurer of State and State Bonds.
Sections 96-106	State Auditor.
Sections 107-112	State Budget Committee.
Sections 113-117	Appropriations.
Sections 118-128	Fees and Expenditures.

Sovereignty and Jurisdiction.

Sec. 1. Sovereignty and Jurisdiction. R. S. c. 2, § 1. The jurisdiction and sovereignty of the state extend to all places within its boundaries, subject only to such rights of concurrent jurisdiction as are granted over places ceded by the state to the United States.

76 Me. 331.

Sec. 2. Title to certain islands in state reserved for public use. R. S. c. 2, § 2. The title to all islands located in great ponds within the state, except such as have been previously granted away by the state, and the title to all islands located in the sea within the jurisdiction of the state, except such as have been previously granted away by the state or are now held in private ownership, shall remain in the state and be reserved for public use.

Sec. 3. State flag. R. S. c. 2, § 3. The flag to be known as the official flag of the state shall be of blue, of the same color as the blue field in the flag of the United States, and of the following dimensions and designs; to wit, the length, or height, of the staff to be nine feet, including brass spear-head and ferule; the fly of said flag to be five feet six inches, and to be four feet four inches on the staff; in the center of the flag there shall be embroidered in silk on both sides of the flag the coat of arms of the state, in proportionate size; the edges to be trimmed with knotted fringe of yellow silk, two and one-half inches wide; a cord, with tassels, to be attached to the staff at the spear-head, to be eight feet six inches long and composed of white and blue silk strands. A flag made in accordance with the description given in this section shall be kept in the office of the adjutant general, as a model.

Sec. 4. Flag to be carried by national guard. R. S. c. 2, § 4. The flag of the state to be carried by the regiments of the National Guard of Maine shall

be the same as the flag described in the preceding section, with the addition of two scrolls in red, one above and one below the coat of arms of the state; in the upper scroll the official designation of the regiment, and in the lower scroll the inscription, National Guard State of Maine.

Sec. 5. State processes executed in places ceded. R. S. c. 2, § 5. Civil, criminal, and military processes, lawfully issued by an officer of the state, may be executed in places ceded to the United States, over which a concurrent jurisdiction has been reserved for such purpose.

Sec. 6. Governor may cede not exceeding ten acres to the United States. R. S. c. 2, § 6. The governor, with the advice and consent of the council, reserving such jurisdiction, may cede to the United States for purposes named in its constitution any territory not exceeding ten acres, but not including any highway; nor any public or private burying-ground, dwelling-house, or meeting-house, without consent of the owner.

Sec. 7. Compensation to owner. R. S. c. 2, § 7. If compensation for such land is not agreed upon, the estate may be taken for the intended purpose by payment of a fair compensation, to be ascertained and determined in the same manner as, and by proceedings similar to those provided for ascertaining damages in locating highways, in chapter twenty-seven.

See c. 27, §§ 4-8.

Sec. 8. Governor may purchase or take land for forts or other purposes, and may cede the same to the United States. R. S. c. 2, § 8. Whenever the public exigencies require it, the governor, with the advice and consent of the council, may take, in the name of the state, by purchase and deed, or in the manner herein denoted, any lands, or rights of way, for the purpose of erecting, using or maintaining any fort, fortification, arsenal, military connection, way, railroad, lighthouse, beacon, or other aid to navigation, with all necessary rights, powers, and privileges incident to their use, and may deliver possession and cede the jurisdiction thereof to the United States, on such terms as are deemed expedient.

Sec. 9. Such land to be surveyed; plan, etc., to be filed and recorded. R. S. c. 2, § 9. When the governor and council determine that a public exigency requires the taking of any land or rights as aforesaid, they shall cause the same to be surveyed, located, and so described that the same can be identified, and a plan thereof, with a copy of the order in council, shall be filed in the office of the secretary of state and there recorded. The filing of said plan and copy shall vest the title to the land and rights aforesaid, in the State of Maine, or their grantees, to be held during the pleasure of the state, and if transferred to the United States, during the pleasure of the United States.

Sec. 10. Compensation to owner. R. S. c. 2, § 10. The owner of any land or rights, taken as aforesaid, shall have a just compensation therefor, to be determined as prescribed in section seven, provided, that application is made within five years after the land is taken.

Sec. 11. Consent of legislature to acquisition by United States of land within the state for public buildings; record of conveyances. R. S. c. 2, § 11. In accordance with the constitution of the United States, article one, section eight, clause seventeen, and acts of congress in such cases provided, the consent of the legislature is hereby given to the acquisition by the United States, or under its authority, by purchase, condemnation, or otherwise, of any land in this state, required for the erection of lighthouses or for sites for custom-houses, court-houses, post-offices, arsenals, or other public buildings, or for any other purposes of the government; deeds and conveyances or title papers for the same,

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shall be recorded upon the land records of the county, or registry district in which the land so conveyed may lie; and in like manner may be recorded a sufficient description by metes and bounds, courses and distances, of any tracts and legal divisions, of any public lands belonging to the United States, set apart by the general government for either of the purposes before mentioned, by an order, patent, or other official paper, so describing such land.

III Me. 78.

Note. As to National Home for Disabled Volunteer Soldiers, see P. L. 1867, c. 66.

Sec. 12. Jurisdiction ceded to United States over land acquired for public purposes; concurrent jurisdiction with United States retained. R. S. c. 2, § 12. Exclusive jurisdiction in and over any land so acquired by the United States shall be, and the same is hereby ceded to the United States for all purposes except the service upon such sites of all civil and criminal processes of the courts of this state; provided, that the jurisdiction hereby ceded shall not vest until the United States of America has acquired title to such land by purchase, condemnation, or otherwise; the United States of America are to retain such jurisdiction so long as such lands shall remain the property of the United States, and no longer; such jurisdiction is granted upon the express condition that the State of Maine retains a concurrent jurisdiction with the United States in and over the said lands, so far as that civil process, in all cases not affecting the real or personal property of the United States, and such criminal or other process as shall issue under the authority of the State of Maine against any person or persons charged with crimes or misdemeanors committed within or without the limits of the said lands, may be executed therein, in the same way and manner as if no jurisdiction had been ceded.

III Me. 78.

Sec. 13. Such property not to be taxed. R. S. c. 2, § 13. Lands with the tenements and appurtenances so acquired for the purposes mentioned in section eleven shall be and continue exempt from all state, county, and municipal taxation, assessment, or other charges which may be levied or imposed under the authority of this state, so long as the said lands shall remain the property of the United States, and no longer.

See c. 13, § 6, Par. I.

Sec. 14. Proceedings for relinquishment to United States of title to land for erection of lighthouses, forts, etc., when title cannot otherwise be obtained. R. S. c. 2, § 14. 1921, c. 11. Whenever, upon application of an authorized agent of the United States, it is made to appear to any justice of the supreme judicial court, that the United States desires to purchase a tract of land and the right of way thereto, within the state, for the erection of a lighthouse, beacon light, range light, or light keeper's dwelling, forts, batteries, or other public buildings, and that any owner is a minor, or is insane, or is from any cause incapable of making perfect title to said lands, or is unknown, or a non-resident, or from disagreement in price or any other cause refuses to convey such land to the United States, said justice shall order notice of said application to be published in some newspaper in the county where such land lies, if any, otherwise in a paper in this state nearest to said land, once a week, for three weeks, which notice shall contain an accurate description of said land, with the names of the supposed owners, provable in the manner required for publications of notice in chapter ninety-four, and shall require all persons interested in said land on a day specified in said notice, to file their objections to the proposed purchase; and at the time so specified a justice of said court shall empanel a jury, in the manner provided for the trial of civil actions, to assess the value of said land

at its fair market value, and all damages sustained by the owner of such land by reason of such appropriation; which amount when so assessed, with the entire costs of said proceedings, shall be paid into the treasury of said county, and thereupon the sheriff thereof, upon the production of the certificate of the treasurer that said amount has been paid, shall execute to the United States, and deliver to its agent a deed of said land, reciting the proceedings in said cause, which deed shall convey to the United States a good and absolute title to said land against all persons.

Sec. 15. Disposal of the purchase money. R. S. c. 2, § 15. The money so paid into such county treasury shall there remain until ordered to be paid out by a court of competent jurisdiction.

Sec. 16. Treasurer receiving the money to give bond. R. S. c. 2, § 16. The judge directing the money to be paid to a county treasurer, in accordance with the five preceding sections, shall require of such treasurer a bond in double the amount ordered to be paid to him, with two or more sufficient sureties, or with a surety company, as surety, to be approved by said judge. Such bonds shall be payable to the people of the State of Maine, for the use of such persons, severally, as are entitled to said money, and shall be approved and filed with the clerk of said court before payment of the money to the treasurer.

Sec. 17. Consent to certain acts of United States Coast Survey. R. S. c. 2, § 17. Persons employed under the government of the United States in the coast survey, may enter on any land in the state, and erect thereon such buildings and do such other acts, as the objects of the survey require.

Sec. 18. Compensation to owners for use of land. R. S. c. 2, § 18. If satisfactory compensation is not made to the owner by the officers or agents of the United States under whose direction such lands are taken, he may make complaint to the county commissioners, who, after not less than fourteen days' notice to the parties of the time and place of hearing, shall view the premises, hear the parties, and assess the damages sustained by the taking of the land for said purposes, including the time during which it will be required for such use, order them to be paid at such time as they direct, and award costs to the prevailing party.

Sec. 19. Report of county commissioners to be filed with S. J. C.; Appeal. R. S. c. 2, § 19. The commissioners shall file in the office of the clerk of the supreme judicial court a report of their doings, which shall be conclusive upon the parties, unless one of them, within thirty days after the next term of the court, files in court his petition for a new trial, which, after due notice to the opposite party, may, for due cause, be granted, to be had in said court.

Sec. 20. Tender of amends; costs. R. S. c. 2, § 20. The person so entering upon land may tender to the party injured sufficient amends, and if the damages finally assessed do not exceed the tender, judgment shall be rendered against the owner for costs. Costs recovered by the prevailing party shall be taxed as in case of appeal from judgments of a trial justice.

Sec. 21. Injury to works. R. S. c. 2, § 21. Whoever wilfully injures said buildings, works, or apparatus used therewith, forfeits not exceeding fifty dollars, to be recovered by indictment to the use of the prosecutor; and is also liable in a civil action for damages.

Sec. 22. Appropriation for topographic mapping of state; contingent on apportionment of equal amount by United States. 1927, c. 74, § 1. In order to complete the topographic mapping of the state of Maine and to revise existing United States topographical maps of certain areas so that a complete and accurate map of the state may be obtained to meet the urgent needs of the state

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government, of the federal government, and of all individuals who desire reliable information regarding the natural resources of the state, there shall be appropriated the sum of twenty-five thousand dollars (\$25,000) annually for a period of two years, and fifty thousand dollars (\$50,000) annually for seven years thereafter, on condition that the United States government by its duly authorized agents shall apportion an equal amount to be expended for the same purposes within the state.

Sec. 23. When available; unexpended balances. 1927, c. 74, § 2. The sum of twenty-five thousand dollars (\$25,000) shall become available during each of the years nineteen hundred and twenty-seven and nineteen hundred and twenty-eight, and the sum of fifty thousand dollars (\$50,000) shall become available in each year from nineteen hundred and twenty-nine to nineteen hundred and thirty-five, both inclusive. Unexpended balances accruing during the period of nine years shall remain available for the purposes of this act until the topographic mapping of the state is completed.

Sec. 24. Right of entry on lands provided for. 1927, c. 74, § 3. All persons employed in the work of mapping under the provisions of this act are authorized to enter and cross all lands within the state, provided that in so doing no damage shall be done to private property.

Sec. 25. Public utilities commission to have charge of work on behalf of state. 1927, c. 74, § 4. The public utilities commission shall have charge of the work on behalf of the state; and said commission is hereby authorized and directed to enter into such agreements with the director of the United States Geological Survey as will assure the progress of the work in an efficient and economical manner.

Sec. 26. Leases of right to take kelp on submerged lands. 1927, c. 45. The power to lease the right to gather and harvest kelp on the submerged lands and reefs within the jurisdiction of the state, seaward of mean low water mark, and east of sixty-nine degrees forty-five minutes west longitude, is hereby vested in the governor and council who shall have authority to make leases to such persons and upon such terms and for such length of time except as hereinafter limited, as they may prescribe. No lease shall be executed for a period of over thirty years, but any lease executed as herein provided may be renewed by the lessee for a further period to be fixed by the parties. The rental to be paid to the state for these rights shall be not less than three dollars per annum per square mile of territory covered by said lease and shall be determined by the governor and council. The lessee shall file with the secretary of state a plot showing the location of the territory desired to be leased with the boundaries located thereon.

State Parks.

Sec. 27. State park at Augusta. R. S. c. 2, § 22. All that portion of the state lands situate in the city of Augusta and lying between State Street on the west and the location of the Maine Central Railroad Company on the east shall be maintained as a public park under the supervision and control of a commission of three persons, appointed by the governor for terms of four years. They shall serve without compensation. One of said commissioners shall be a resident of the city of Augusta, recommended to the governor for appointment by the city council of said city. They may receive moneys by gift or legacy and shall hold the same as trustees for the purposes stated in this section.

Sec. 28. Certain state parks. 1925, c. 183. 1927, cc. 90, 169. All that por-

tion of the state lands comprising Fort Machias at Machiasport; Fort Knox at Prospect; Fort Edgecomb at Edgecomb; Fort St. George's at St. George; Fort McClary at Kittery; Fort Baldwin, Fort Popham, and the North and South Sugar Loaf Islands at Phippsburg; the lot of land conveyed to the state of Maine by the First Maine Heavy Artillery Association, situated in Petersburg in the state of Virginia; and all that portion of the public land situated in Bangor on the west side of Essex Street and near land formerly owned by Samuel Eastman, and known as State Arsenal lot and land, shall be maintained as public parks under the supervision, direction, and control of the governor and council. The governor and council are hereby authorized to receive moneys by gift or legacy and shall hold and expend the same as trustees for the purposes stated in this section, and an annual report of the same shall be made to the state auditor, who shall audit the same.

Sec. 29. State park at Kittery. 1927, c. 84. The state park at Kittery, situate between Hunter Avenue and Newmarch Street and between Water and Government Streets in the town of Kittery, county of York, shall forever be known and designated as "John Paul Jones Memorial Park" in memory of the commander of the first American warship.

Public Grounds and Buildings.

Sec. 30. Superintendent of public buildings; appointment and duties. R. S. c. 2, § 23. The governor, with the advice and consent of the council, shall appoint a superintendent of public buildings, who shall take charge of the same and all the furniture and other property connected therewith; preserve the same from injury, at all proper times open and ventilate the several apartments, and constantly keep every part thereof properly swept and cleansed, and at all suitable hours personally attend visitors, free of expense, take care of the public grounds, fences, forest trees, and all other property not before enumerated, pertaining to the public buildings; and under the direction of the governor and council, superintend and cause all necessary repairs to be made upon the public buildings and furniture thereof, upon the fences and walks of the public grounds, set out suitable ornamental and forest trees, and protect the same from injury or decay; and make all purchases of furniture, lights, wood, and everything necessary for the use and convenience of all the apartments of the state house, strict economy being required in all contracts for repairs and purchases; and no contract shall be made upon the credit of himself or the state. He shall give bond to the state in the sum of two thousand dollars, for the preservation of said property and the faithful discharge of his trust. The governor and council may also require him to perform any other duties that the public interest may require, without extra compensation.

See Resolves 1889, c. 243; R. S. c. 125, § 31.

Sec. 31. Additional duties of superintendent of public buildings. 1923, c. 117. In addition to the duties specified in the preceding section, the superintendent of public buildings shall have charge of the adjutant general's office buildings, the Blaine Mansion and its grounds, the Blaine memorial, the state park and all other property of the state within the limits of the city of Augusta, except Augusta State Hospital, the garage connected with the highway department, and the property of the military department. The governor and council shall have authority to fix his compensation for the additional duties herewith imposed.

Sec. 32. Room reserved for representatives of the press. R. S. c. 2, § 24.

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Room eighty-two, on the fourth floor of the state house, known as the pharmacy and dentistry room, shall be maintained and reserved, during each legislative session, for the use of such representatives of the press as have the privilege of the floor of the senate and house of representatives under section forty-three of this chapter; the superintendent of public buildings shall see that such room is properly furnished, lighted, heated, and kept in order.

Sec. 33. Competitive bids for building contracts. R. S. c. 2, § 25. All contracts for construction or repairs of buildings at the expense of the state involving a total cost of more than three thousand dollars shall be awarded by a system of competitive bids in accordance with the provisions of the following section and such other conditions and restrictions as the governor and council may from time to time prescribe.

Sec. 34. Advertisements for sealed proposals; bond. R. S. c. 2, § 26. The trustees, commissioners, or other persons in charge of such construction shall advertise for sealed proposals not less than two weeks in such papers as the governor and council may direct; the last advertisement shall be at least one week before the time named therein for the closing of such bids. Sealed proposals submitted in accordance with such advertisement shall be addressed to the trustees, commissioners, or other persons having the construction in charge and shall remain sealed until opened in the presence of a committee of the governor's council at such time as the governor and council may direct. No contract shall be awarded unless the faithful performance thereof shall be secured by a bond in the penal sum of not less than twenty per cent of the amount of the contract, payable to the state, and deposited with the treasurer of state.

Sec. 35. Insurance on public buildings and property. R. S. c. 2, § 27. All fire and liability insurance upon public buildings and other property belonging to the state shall be placed thereon by the several boards of trustees having said property in charge, subject to the approval of the governor and council, or by the governor and council, and all expense therefor shall be paid from the several appropriations for insurance on said property. The policies for all insurance so placed shall be deposited with the treasurer of state, and a record thereof kept by the governor and council.

Sec. 36. Insurance money available for replacement. R. S. c. 2, § 28. Whenever any officer or department of the state has taken out fire insurance on property owned by the state, or for which the state is responsible, and the property has been destroyed, the money paid by the insurance companies on the loss shall, with the approval of the governor and council, be made immediately available for the use of such office or department in replacing the destroyed property, or otherwise, as may be needed in the work of the office or department.

Organization of the Legislature.

Sec. 37. Certified rolls of members elect. R. S. c. 2, § 29. The secretary of state shall, on or before the day preceding the meeting of the legislature, furnish to the secretary of the preceding senate, a certified roll, under the seal of the state, of the names and residences of senators elect, according to the report of the governor and council, and to the clerk of the preceding house of representatives a certified roll, under the seal of the state, of the names and residences of the representatives elect, according to the report of the governor and council, and shall report the vacancies, if any exist.

Sec. 38. Senate; organization. R. S. c. 2, § 30. The secretary of the pre-

ceding senate, at the time and place appointed for the meeting of the legislature, shall call the senators elect, present, to order, and from the certified roll furnished him as aforesaid, call their names, and if a quorum respond, he shall preside until they are qualified and a president is elected; if no quorum appear he shall preside, and the senators elect, present, shall adjourn from day to day, but shall transact no business, except to go into convention to fill vacancies, until a quorum appear and are qualified and a president is elected.

Sec. 39. House of Representatives; organization. R. S. c. 2, § 31. The clerk of the preceding house of representatives in like manner shall call the representatives elect to order and preside until they are qualified and elect a speaker; if no quorum appear he shall preside, and the representatives elect, present, shall adjourn from day to day, until a quorum appear and are qualified, and a speaker is elected.

*70 Me. 589, 590.

Sec. 40. In absence of secretary or clerk, assistants to act. R. S. c. 2, § 32. In case of vacancy in the office of such secretary or clerk, or absence or inability of either to perform the duties aforesaid, they shall be performed by the assistants.

Sec. 41. Records of senate; amendments. R. S. c. 2, § 33. The secretary or assistant secretary of any senate shall amend, according to the fact, the journal of said senate, whenever empowered or required by authority of the same, or of any subsequent senate.

Sec. 42. Records of the house; amendments. R. S. c. 2, § 34. The clerk or assistant clerk of any house of representatives shall amend, according to the fact, the journal of said house, whenever empowered or required by authority of the same, or of any subsequent house.

Sec. 43. Rights and privileges of representatives of the press, defined; to have no interest in private claims. R. S. c. 2, § 35. Representatives of the press who shall be actually engaged in sending daily reports of the doings of the legislature to daily newspapers, shall have the privilege of the floor of the senate and house of representatives, and shall be subject to such rules as may from time to time be adopted by either branch of the legislature. No such representative shall be interested in any private claim or measure pending before the legislature, nor shall any such representative, while acting as correspondent for any daily newspaper, and as such correspondent having the privileges mentioned in this section, become interested in the prosecution of any such claim or measure.

Legislative Counsel and Agents.

Sec. 44. Registration of legislative counsel and agents and of employers of same. 1919, c. 100, § 1. Any person or persons accepting employment to act as legislative counsel or agent to promote or oppose, directly or indirectly, legislation by the legislature shall within forty-eight hours after such employment cause his or their name or names to be entered upon a docket as hereinafter provided, and all employers of such legislative counsel or agents shall also within the same time cause their names to be entered upon the same docket as hereinafter provided.

Sec. 45. Registration docket; kept by secretary of state; open to public inspection. 1919, c. 100, § 2. The secretary of state shall prepare and keep a docket for the registration of legislative counsel or agents and of their employers, which docket shall be open to public inspection during the office hours

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of said secretary of state and shall contain the names of legislative counsel and agents and of their employers, the addresses of each, the date and subject matter of the employment, and, by appropriate words, a designation of whether such employment is as counsel or agent or both. Such docket shall be so arranged and indexed that under the name of each employer shall appear the names of all legislative counsel or agents employed by him and that the name or names of each employer represented by any counsel or agent shall appear under the name of such counsel or agent.

Sec. 46. Compensation not to be contingent. 1919, c. 100, § 3. No person shall be employed as a legislative counsel or agent for compensation dependent upon a contingency.

Sec. 47. Terms "legislative counsel" and "legislative agent" defined. 1919, c. 100, § 5. The term "legislative counsel" as used in sections forty-four to forty-nine inclusive of this chapter shall be construed to mean any person who for compensation appears at any public hearing before committees of the legislature in regard to proposed legislation. The term "legislative agent" as used in said sections shall be construed to mean any person, firm, association, or corporation that for hire or reward does any act to promote or oppose proposed legislation except to appear at public hearings before committees of the legislature, and shall include all persons who for compensation shall approach individual members of the legislature or members elect thereof with the intent in any manner, directly or indirectly, to influence their action upon proposed legislation.

Sec. 48. Application of terms. 1919, c. 100, § 6. The provisions of sections forty-four to forty-nine inclusive of this chapter shall not apply to state, county, municipal or quasi-municipal officials, or their regularly elected or appointed subordinates, who act for no compensation other than their ordinary salary or compensation as such public officials or subordinates.

Sec. 49. Penalties for violation. 1919, c. 100, §§ 4, 7. Whoever violates any provision of sections forty-four to forty-nine inclusive shall be punished by a fine of not less than one hundred dollars, and the attorney general shall cause prosecutions to be instituted for the violation of any of the provisions of said sections. Any person, firm, or corporation who shall falsely enter upon the docket aforesaid the name or names of any person or firm as his or their legislative counsel or agent, in addition to said penalty shall be answerable in damages to the person or firm whose name or names has been so falsely entered.

Notice of Petitions for Legislation.

Sec. 50. Notice of petitions affecting individuals or corporations. R. S. c. 2, § 36. Notice of any petition for legislation affecting the rights of individuals or corporations, may be given by serving them with a true copy of the petition at least fourteen days before the commencement of the next session, or by publishing such copy three weeks successively in some newspaper printed in the counties in which such individuals reside, or such corporations are established; or if no newspaper is there published, then in the state paper, the last publication to be at least fourteen days before the session; and if further service is deemed necessary, or if notice is defective or insufficient, further notice may be ordered.

*63 Me. 239.

Sec. 51. Notice of petitions affecting town or county. R. S. c. 2, § 37. Notice of any petition affecting the rights or interests of any town or county may be given to such town by serving it with a true copy of the petition at

least fourteen days before the session, and to such county, by publishing as prescribed in the preceding section.

*63 Me. 239.

Sec. 52. If no notice, petition to be referred. R. S. c. 2, § 38. Petitions mentioned in the two preceding sections without proof of notice as prescribed shall be referred, with order of notice, to the next legislature.

*63 Me. 239.

Sec. 53. Service; proof. R. S. c. 2, § 39. Service of notice of such petitions may be made by any sheriff, constable, or coroner, and proved by his proper return or by written acknowledgment of the adverse party on the petition, or if notice is given by publication, then by the newspapers, or the affidavit of the printer.

Sec. 54. Notice of petitions for special legislation pertaining to fish and game. R. S. c. 2, § 40. Notice of petitions, bills, or resolves for special legislation, regarding or in any manner pertaining to fish or game, shall be given with full description of the territory or waters affected by such legislation, in some weekly publication nearest the locality so affected, for eight consecutive weeks, the last notice to be not less than one, nor more than three weeks before the assembling of the legislature of which such legislation is requested, and such notice shall be absolutely required before any such legislation shall be enacted. All laws hereafter enacted pertaining to fish or game which do not conform to the general laws of the state shall for the purposes of this section be deemed special. Provided, however, that the provisions of this section shall not apply to any petition, act, or resolve, either repealing or amendatory, which has for its object the placing of the territory or waters in question under the general laws of the state.

Tenure of Office and Qualification of Officers.

Sec. 55. Tenure of office. R. S. c. 2, § 41. All civil officers, appointed by the governor and council, whose tenure of office is not fixed by law or limited by the constitution, otherwise than during the pleasure of the governor and council, except ministers of the gospel appointed to solemnize marriages, and persons appointed to qualify civil officers, shall hold their respective offices for four years and no longer, unless re-appointed; subject to removal at any time within said term by the governor and council.

*72 Me. 558, 564; 110 Me. 206; 119 Me. 285.

Sec. 56. Dedimus justices, how appointed. R. S. c. 2, § 43. 1921, c. 51. The governor, with the advice and consent of the council, may appoint in every county persons who shall be designated as dedimus justices, before whom the oath required by the constitution to qualify civil officers may be taken and subscribed. Such persons shall exercise their powers and duties, and shall be commissioned to act within and for every county. This section shall apply to such persons appointed and commissioned prior to the thirtieth day of June, nineteen hundred and eleven, and shall validate any acts theretofore or thereafter done by them which would be valid hereunder.

*70 Me. 591.

Sec. 57. Certain officers to take oath before the governor and council; others before member of council or magistrate. R. S. c. 2, § 44. The justices of the supreme judicial court, attorney general, secretary, treasurer, adjutant general, and quartermaster general shall take and subscribe the oath or affirmation required by the constitution, before the governor and council, when in session, and in their recess, before any two members of the council; and every other

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person elected or appointed to any civil office shall take and subscribe the oath before any one member of the council, or before any magistrate commissioned by the governor for that purpose, except when the constitution otherwise provides.

*70 Me. 591-2.

Sec. 58. Officers to give new bonds when required, or office deemed vacant. R. S. c. 2, § 45. The governor and council may require any officer who by law gives bond to the state to give a new bond when they consider it necessary; and when it is given, the obligors in the former bond are discharged from liability thereon for acts and defaults after the acceptance of the new one; and if such officer does not give a new and satisfactory bond within the time specified by the governor and council, his office becomes vacant, and shall be filled as provided by law.

Secretary of State.

Sec. 59. Secretary of state; office and duties. R. S. c. 2, § 46. The secretary of state shall keep his office at the seat of government; have the custody of the state seal, and preserve all records in such office, at the expense of the state.

Sec. 60. Vacancy, how filled. R. S. c. 2, § 47. When a vacancy happens in the office of secretary during the recess of the legislature, the governor, with the advice and consent of the council, shall appoint a suitable person to act as secretary of state, until one is elected by the legislature; and the person thus appointed shall take the oath required of the elected secretary; and have the same compensation, while he performs the duties of the appointment.

Sec. 61. Bond. R. S. c. 2, § 48. The secretary, elected or appointed, shall give bond to the state, to be deposited in the office of the treasurer, in such sum as the governor and council direct, with sufficient sureties, or with a surety company authorized to do business in the state, as surety, with condition that he will faithfully appropriate according to law all moneys belonging to the state which come to his hands, and render, annually, a true account thereof to the governor and council.

See c. 125, § 63.

Sec. 62. Account of fees. R. S. c. 2, § 49. 1921, c. 69. He shall keep an accurate account of all fees received by him in his office, and shall annually, on July first, make return thereof, under oath, to the governor and council, and pay the amount of such fees to the treasurer of state.

See c. 126, § 13.

Sec. 63. To furnish lists of appointments of magistrates to registers of probate and clerks of courts. R. S. c. 2, § 50. The secretary of state, upon receiving evidence of the qualification of any justice of the peace, trial justice, or notary public shall immediately notify the register of probate and the clerk of the judicial courts of the county where such officer resides, of his appointment and qualification; and shall on the first days of June and December, forward to the registers of probate courts, judges of municipal and police courts, and clerks of United States courts in the state a list of all justices of the peace, trial justices, and notaries public, whose commissions are then in force, and the evidence of whose qualification has been filed in his office within the six months next preceding the time of forwarding such lists, which shall contain the name and residence of every such officer, the date of his commission, and the county or counties for which he is commissioned; and he shall send at the same time two copies of such lists to each of the clerks of the state courts.

Sec. 64. Clerks of courts to keep lists of appointments; effect of lists and certificates as evidence. R. S. c. 2, § 51. The clerks of the state courts shall make a memorandum on such lists of the fact and date of their reception, and either of such lists so attested, or the certificate of such clerk under the seal of his court, shall be legal but not conclusive evidence of the appointment and qualification of such officers, and at the expiration of each decade of years it shall be the duty of the clerk then in office to have one set of such lists received during the decade bound in a substantial manner.

Sec. 65. Secretary to notify officers appointed and to issue commissions. R. S. c. 2, § 52. The secretary of state shall notify every person appointed to an office upon which a duty is to be paid and, on receipt of evidence of its payment, shall cause a commission to be immediately made, under direction of the governor, and delivered to such officer, or to any person appointed by him to receive it.

Sec. 66. To prepare commissions, record qualifications, engross bills. R. S. c. 2, § 53. He shall prepare and present to the governor and council under the seal of the state, in order that the same may receive the signature of the governor, a commission for every person appointed or elected to any office for which a commission is required; enter in a suitable book the time when and the person by whom any commission is taken from his office, and the time when any certificate of the qualification of any officer is filed therein. He shall cause all bills passed by the legislature to be engrossed, under his special direction, for the use thereof.

Sec. 67. To cause public laws to be printed in newspapers. R. S. c. 2, § 54. He shall cause the public laws passed at each session to be printed within thirty days after the close thereof on extra sheets, on good paper, in good, clear nonpareil type, by the publishers of each newspaper; and each printer who so publishes and distributes the laws to his subscribers within the state shall receive ten dollars, besides two dollars for every hundred copies so distributed within the state.

2 Me. 303; 9 Me. 56; *16 Me. 70; 21 Me. 60; *39 Me. 295; *81 Me. 546.

Sec. 68. To prepare tables and index of laws. R. S. c. 2, § 55. 1927, c. 89. After final adjournment of each regular session of the legislature, he shall cause tables to be prepared showing what general statutes have been affected by subsequent legislation in such manner as to furnish ready reference to all changes in such statutes, and in addition thereto shall make a complete index of all public laws passed subsequent to the last revision of the statutes. The tables and index so prepared shall be printed in the official edition of the laws hereafter published by the state. The compensation for the services herein provided for shall be fixed by the governor and council.

Sec. 69. To distribute blanks for election returns. R. S. c. 2, § 56. He shall cause blanks for all election returns required by law to be seasonably distributed to the clerks of the several towns, by mail; and if any clerk fails to receive such blanks by the twentieth day of August, in any year in which an election is held of which returns are to be made to the office of the secretary of state, he shall forthwith notify the secretary of state. If the secretary neglects this duty he forfeits one hundred dollars for each neglect.

See c. 8, § 65.

Note. Secretary of state to furnish copies of law relating to registration of dogs, c. 5, § 162; copies of law forbidding sale of votes, c. 8, § 99; returns for election of presidential electors, c. 8, § 65; blank applications for license to solemnize marriages, c. 72, § 11. Duties of secretary of state as to primary elections, c. 7, § 9, et seq; official ballots, c. 8, § 5, et seq; voting machines, c. 8, § 36; absent voting law, c. 9, § 3; corrupt practices law, c. 10, § 7; registration of physicians and surgeons, c. 21, § 13; registration of dentists, c.

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21, § 27; registration of osteopaths, c. 21, § 61; registration of chiropractors, c. 21, § 72; motor vehicle law, c. 29, §§ 28 et seq; circus parades, c. 36, § 2; registration of public accountants, c. 44, § 8; itinerant vendors, c. 45, §§ 14, 15, 23, 24; corporations under special charter, c. 55, § 3; corporations under general law, c. 55, § 9; corporations returns, c. 55, §§ 27, 32; foreign corporations, c. 55, §§ 108, 109, 112; savings banks, c. 56, § 11; trust and banking companies, c. 56, § 66; loan and building associations, c. 56, § 97; cooperative marketing associations, c. 58, § 7; recording conditional contracts for railroad equipment, c. 63, § 100; aircraft, c. 68, § 4; corporations without capital stock, c. 76, § 4.

Secretary of state forbidden to draft any instrument which he is by law required to record, c. 15, § 11.

Treasurer of State and State Bonds.

Sec. 70. Treasurer of state; office; bond. R. S. c. 2, § 57. 1921, c. 193. The treasurer of state shall keep his office at the seat of government, and give the bond required by the constitution, to the State of Maine, with good and sufficient sureties residing therein, or with two or more surety companies authorized to transact business therein, as sureties, in the penal sum of not less than one hundred and fifty thousand dollars. Provided that each surety or surety company shall give bond for only a fractional part of the total penal sum and shall be held responsible for its proportional share of any loss.

*52 Me. 551.

Sec. 71. Condition of treasurer's bond. R. S. c. 2, § 58. The condition of the bond shall be for the faithful discharge of all the duties of his office and the fidelity of all persons by him entrusted with any of its concerns, and that during his continuance in office he will not engage in trade or commerce, or act as broker, agent, or factor, for any merchant or trader; and that he, or his executors, administrators, or sureties, or their executors or administrators, shall render a just and true account of all his agents' and servants' doings and transactions in the office, to the legislature, or to such committee as it appoints, on the first day of each regular session of the legislature, previous to the choice of a new treasurer, and at any other time, when required by the legislature, or the governor and council; and that he will settle and adjust said account, and faithfully deliver to his successor in office, or to such person as the legislature appoints, all moneys, books, property, and appurtenances of said office, in his, or any of his agents' possession, and pay over all balances found due on such adjustment. Such bond, when approved as the constitution prescribes, shall be lodged in the office of the secretary of state.

*52 Me. 551; 58 Me. 123.

Sec. 72. Premiums on bonds of treasurer and clerks to be paid by state. R. S. c. 2, § 59. The premiums necessarily incurred and due and payable on account of any bond given by the treasurer of state or by any clerk in the treasury department of the state shall be paid out of the state treasury, and the legislature shall at each session make appropriate provision by resolve or otherwise for such payment.

Sec. 73. Treasurer not to use or receive money from state treasury or credit. R. S. c. 2, § 60. The treasurer shall not in any way receive for his own use any interest, premium, gratuity, or benefit, by reason of any money belonging to the state, or of any loan obtained for the state, or for keeping on hand or circulating the bills of any bank; but whatever is so received shall be accounted for to the state. He shall not loan or use in his own business, or for his own benefit, any such money, or permit any other person to do it, unless authorized by law, on pain of forfeiting a sum equal to the amount so used or loaned, to be recovered by indictment.

52 Me. 551; 69 Me. 367. See § 92.

Sec. 74. Attorney general to prosecute for violation of preceding section.

R. S. c. 2, § 61. When the attorney general receives satisfactory information that a treasurer of state has violated any provision of the preceding section, he shall cause him to be indicted therefor and shall prosecute such indictment to final judgment.

69 Me. 367.

Sec. 75. Relating to deposit of state funds; limitations. **R. S. c. 2, § 62. 1917, c. 92.** The treasurer may deposit the moneys of the state in any of the banking institutions or trust companies organized under the laws of this state or in any national bank or banks located therein. No sum exceeding an amount equal to twenty-five per cent. of the capital and surplus of any one bank or banking institution shall be deposited therein. The above restriction shall not apply to deposits actually made to meet the payment of any bonded debts or interest or warrants of the governor and council.

52 Me. 551; 69 Me. 367.

Sec. 76. Treasurer to prepare monthly exhibits. **R. S. c. 2, § 63.** At the expiration of each month, the treasurer shall prepare an exhibit showing the banks and places in which moneys of the state have been kept or deposited during the preceding month, and the amount at the time of such exhibit, and file it in the office of the secretary of state, open to public inspection.

52 Me. 551; 69 Me. 367.

Sec. 77. To state in report time of receipt from forest commissioner. **R. S. c. 2, § 64. 1923, c. 196.** His report shall state the time when each sum was received of the forest commissioner and the amount of it.

Sec. 78. Relating to investment of sinking funds. **R. S. c. 2, § 65.** The treasurer, with the advice of the governor, shall from time to time, as funds appropriated for any sinking fund established by law are received into the treasury, invest the same, with the income thereof, as it accrues, in any bonds of Maine, of any other New England state, or in the registered bonds of the United States; and as such bonds fall due and are paid, the proceeds thereof shall be re-invested in like manner.

Sec. 79. Register of investments and treasurer's report. **R. S. c. 2, § 66.** The treasurer shall keep a register of all such investments, showing the date, amount, and number of each bond, by whom issued, and the time when it will mature, and in his annual report to the governor and council, he shall include an exhibit of the condition of said sinking funds.

Sec. 80. Registered bonds. **R. S. c. 2, § 67.** The treasurer may issue registered bonds, transferable by assignment, in pieces of not less than one thousand dollars, and of any multiple of one thousand, in exchange for, and in place of, any coupon bonds issued under the laws of this state, bearing the same rate of interest and maturing at the same time as the bonds which he may receive therefor in exchange; but the place of payment prescribed therein shall be the state treasury; and said bonds shall be signed by the treasurer, countersigned by the governor, and attested by the secretary of state, with the seal of the state.

Sec. 81. Equivalent bond to be issued on assignment. **R. S. c. 2, § 68.** Upon due assignment of any such registered bond and delivery thereof to the treasurer, an equivalent bond or bonds, in form as aforesaid, shall be issued to the assignor in substitution therefor.

Sec. 82. Cancellation and registry of old bonds. **R. S. c. 2, § 69.** All bonds thus received by the treasurer for exchange shall be canceled, and retained in the office of the treasurer; and the secretary of state, as well as the treasurer, shall keep a register of all such bonds, showing the serial number, date, interest,

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amount of each certificate, to whom originally issued, and when payable; and also a like description of the new bonds issued in place thereof.

Sec. 83. Bonds in state treasury, how indorsed. R. S. c. 2, § 70. Every United States or other bond when received into the treasury shall immediately be indorsed with the words following, viz.: "Property of the State of Maine; not transferable by the treasurer without the consent of the governor indorsed thereon."

Sec. 84. Coupon bonds of sinking fund to be converted into registered bonds. R. S. c. 2, § 71. All coupon bonds issued by the state belonging to any sinking fund of the state shall be converted into bonds registered in the name of the treasurer; no registered bond of the state belonging to such sinking fund shall be negotiated by the treasurer unless the governor's assent to the transfer is first indorsed thereon, and all such bonds shall exhibit upon their face this restriction of their negotiability; and any coupon bonds so issued and held by or deposited with the treasurer for trust purposes may be converted into the registered form of bonds, whenever the parties depositing them so desire.

Sec. 85. Purchase of unmatured bonds of state. R. S. c. 2, § 72. Whenever, from time to time, in the judgment of the treasurer, it may be done to the financial advantage of the state, he may, with the advice and consent of the governor and council, purchase, with any funds in the state treasury not otherwise appropriated, and when so purchased, may cancel, any outstanding, unmatured bonds of the state.

Sec. 86. Permanent funds held in trust by state, how invested; exception of farm loan funds. 1923, cc. 170, 222, § 2. The treasurer of state shall hereafter invest all permanent funds held in trust by the state in the legal obligations of the United States of America; the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and Pennsylvania; and the bonds of the several counties, cities, and towns in the several states above named which are the direct legal obligation of said counties, cities, and towns; or may deposit the same on time deposit in banks or trust companies organized under the laws of this state, and not otherwise; provided, however, that this requirement shall not extend to the fund arising from the lands reserved for public uses, which shall continue to be used for the purposes set forth in chapter fifty-seven.

Sec. 87. Indemnity bonds deposited in state treasury. R. S. c. 2, § 73. All bonds indemnifying the state, other than the bond of the treasurer of state, shall be deposited in the office of the treasurer of state.

Sec. 88. Temporary loan by state. 1917, c. 204. 1925, c. 177. The treasurer of state is authorized, in any year in which he and the governor and council may deem the same necessary, to negotiate a temporary loan in anticipation of and pending the receipt of taxes levied for such year, and of the proceeds of bonds authorized to be issued, as provided by article nine, section fourteen, of the constitution of Maine, as amended by article forty-two of the constitution. The treasurer of state and the governor and council are hereby authorized and directed to pay such loan during such year, and, for the purpose of such loan and the payment thereof there is hereby appropriated for any year in which the treasurer of state and the governor and council may deem it necessary to borrow as aforesaid, the sum of eight hundred thousand dollars.

Sec. 89. Treasurer to issue warrants for taxes. R. S. c. 2, § 79. The treasurer shall issue warrants or executions against delinquent towns, assessors, constables, and collectors, to enforce the collection and payment of state taxes in cases prescribed in chapter fourteen.

See c. 11, § 71.

Sec. 90. To report delinquent officers. R. S. c. 2, § 80. He shall report the names of all officers who have not settled their accounts as by law required, or who have not paid over the money in their hands belonging to the state, and the amount due from each.

Sec. 91. Audit of contingent fund of state. R. S. c. 2, § 75. The state auditor shall audit his account of any contingent fund appropriated for him or his office; and any balance found due shall be paid by him to the state.

69 Me. 367.

Sec. 92. Governor and council may hear complaints against treasurer; may remove him and declare office vacant. R. S. c. 2, § 74. Upon written complaint of any person, that the treasurer is insane or insolvent, or has absconded, or concealed himself to avoid his creditors, is absent from the state and neglecting his duties to the hazard of the trust reposed in him, has violated any provision of section seventy-three, or has failed faithfully to perform the duties of his office, the governor and council shall forthwith examine into the charges, and if either of them is found true, they shall remove him and declare the office vacant.

69 Me. 367.

Sec. 93. Governor and council may require a new bond. R. S. c. 2, § 76. When it appears to the governor and council that his bond is not sufficient for the full security of the state, they shall make written demand upon him for a new bond; and if he neglects for ten days thereafter to file such bond to their satisfaction, they shall remove him and declare the office vacant.

69 Me. 367.

Sec. 94. May appoint a commissioner to fill vacancy. R. S. c. 2, § 77. In case of a vacancy in the office of treasurer, the governor, with the advice and consent of the council, shall appoint a commissioner to perform the duties of the office during the residue of the term for which he was chosen, unless another is sooner elected by the legislature; and the person so appointed shall, before entering on the duties of his office, take and subscribe the oaths, and give bond with the same conditions as are required of the treasurer, to the acceptance of the governor and council.

Sec. 95. Inventory for commissioner. R. S. c. 2, § 78. When such commissioner is appointed, the secretary of state and the attorney general, or two impartial citizens to be appointed by warrant under the hand and seal of the governor, shall, as soon as practicable, after notice to the sureties, or any two of them, of the late treasurer, or of the treasurer to be superseded, take a true account and inventory of all moneys, notes, books of account and other property belonging to the state, which were in the hands of such treasurer, or of any of his agents, and deliver it to such commissioner, he giving a receipt therefor, which shall be lodged in the secretary's office.

State Auditor.

Sec. 96. State auditor, election; bond; qualifications; appointment to fill vacancy. R. S. c. 2, § 81. 1921, c. 172. A state auditor who shall be a competent accountant shall be elected by the electors of the state qualified to vote for governor, biennially, on the second Monday of September; he shall hold his office for two years from the first day of January next succeeding his election. He shall give to the treasurer of state a bond, for the faithful discharge of his duties, in an amount and with sureties or with a surety company authorized to do business in the state, as surety, to be approved by the governor, with the advice and consent of the council. In case a vacancy occurs, the gov-

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error, by and with the advice and consent of the council, may appoint a person to fill said vacancy for the unexpired term.

C. 125, § 62.

Sec. 97. Duties relative to auditing accounts. R. S. c. 2, § 82. The state auditor shall examine all accounts and demands against the state, including all matters requiring the payment of money from the state treasury. In the examination of claims, accounts and demands he may require affidavits that articles have been furnished, services rendered, and expenses incurred, as therein specified; and the affidavit for articles furnished, services rendered, and expenses incurred for or by any officer, institution, commission, or board of trustees, may be made by the disbursing agent or any officer thereof having special knowledge of the matter. All accounts filed with the auditor shall be fully itemized. He shall in all cases, after he has approved a claim, account, or demand, make a certificate specifying the amount due and allowed thereon, the name of the party to whom such amount is due or payable, the law authorizing the same, and the particular head, expenditure, department, or appropriation to which it is chargeable. When the legislature, by express statute, authorizes a board of trustees, commission, or public officer to approve demands against the state, and an appropriation therefor has been made, the auditor shall, when such accounts or demands are properly approved, promptly audit and certify, as aforesaid, such accounts as he may deem correct, not exceeding the appropriation for that purpose; and if, upon such audit, any account or claim is rejected or reduced in amount, and the person presenting such account or claim is dissatisfied therewith, the auditor shall report the same to the governor and council, with a separate certificate therefor. He shall issue a certificate for the payment of all salaries established by law as the same shall become due and payable, and when the legislature has authorized the payment of money for any specific purpose or purposes, he shall promptly issue a certificate for the payment of said money in accordance with the said act of the legislature. He shall record all certificates issued by him in a book kept for that purpose, and shall transmit such certificates to the governor and council.

C. 122, § 11.

Sec. 98. Filing bills and vouchers. R. S. c. 2, § 83. The auditor shall keep on file in his department all original bills and vouchers on which moneys have been or may be paid from the state treasury. He shall also keep on file all affidavits filed with him in relation to the auditing of any matters before him. All boards, commissions, or public officers authorized to make contracts under which moneys may be payable from the state, shall at once file with the auditor certified copies of any and all contracts made by them.

Sec. 99. To account for receipts and expenditures; to have access to books and papers; to supervise accounting by departments, institutions, commissions, and trustees. R. S. c. 2, § 84. The auditor shall keep a distinct account of all state receipts and expenditures under appropriate heads. He shall keep a statement of all property belonging to the state and of all debts and obligations due to and from the state. He shall investigate all accounts, demands, bills, vouchers, or claims against the state, including those made by any state officer, department, commission, or trustee. And if, after said investigation, the amount demanded seems to be excessive or improper, he may reject the account or claim, in whole or in part, and if the person presenting such account or claim is dissatisfied therewith, the auditor shall report the same to the governor and council, with a separate certificate therefor. He shall have free access to all the books and papers of the several departments, commissions, boards, and

institutions of the state. Every officer, department, commission, institution, and board of trustees shall keep books of accounts in such form and manner as the auditor shall direct, and they shall at all times make such reports to the auditor as he may require. He shall, from time to time, notify the said officers, heads of departments, institutions, commissions, and trustees, who are entrusted with the expenditure of public moneys of the state, of the condition of the specific appropriation which they are entrusted to expend, showing the balance of such appropriation unexpended. The auditor shall not approve nor issue his certificate for the payment of any bill or account unless there is a specific appropriation or fund for the payment thereof, or an expenditure is authorized by law to be paid out of a contingent fund, or from moneys in the treasury not otherwise appropriated; and whenever any appropriation or fund is expended, all bills and accounts presented to said auditor and drawn on said expended appropriation or fund shall not be approved by him, but shall be reported by him to the next session of the legislature, and he shall not approve any bill or account against any appropriation unless said bill or account was incurred during the time for which said appropriation was made.

See c. 5, §§ 96-105.

Sec. 100. State contingent fund; amount; how made up; may be increased by appropriations. R. S. c. 2, §§ 85, 86. 1917, c. 226, § 1. 1921, c. 96. 1925, c. 164, § 1. The state auditor and treasurer of state shall open on their books an account to be known as the state contingent fund which shall not, except as hereinafter provided, exceed three hundred thousand dollars. Said fund shall consist of, and there shall be transferred and credited thereto to the extent permitted by said limitation, all balances of unexpended appropriations which exist on the first day of January of each year and which are not continued by law, except such appropriations as relate to the issue and payment of state bonds, temporary loans, and special funds in the state treasury department. To the extent permitted by said limitation, there shall also be credited to said account on the first day of July of each year or as soon thereafter as the amount can be correctly ascertained, the amount by which the actual income of the state for the preceding year exceeds the current expenses of said year, and, in the discretion of the governor and council, balances of unexpended appropriations which exist on the first day of July of each year and which are not continued by law, except such as relate to the issue and payment of state bonds, temporary loans or special funds in the state treasury department. The state contingent fund may be increased from time to time by direct legislative appropriations, but such appropriations, if made for specific purposes, shall be separately accounted for.

Sec. 101. Sinking fund reserve, how made up; to be applied to payment of outstanding obligations of state. 1925, c. 164, § 2. The state auditor and treasurer of state shall also open on their books an account to be known as the sinking fund reserve, to which shall be transferred and credited all sums of money at any time found in the state contingent fund in excess of three hundred thousand dollars plus the amount of special legislative appropriations. All sums derived from all the sources mentioned in the preceding section which may not be credited to said state contingent fund because of the limitation recited in said section shall also be credited to said reserve. Said sinking fund reserve shall, upon the first day of July in each year or as soon thereafter as the amount thereof can be ascertained, be set aside as a sinking fund, to be added to from year to year in like manner to be applied to the payment of outstanding obligations of the state, and to the purchase of outstanding, un-

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matured bonds of the state in the manner provided in section eighty-five of this chapter.

Sec. 102. Contingent fund, how to be expended; conditions and limitations. R. S. c. 2, § 87. 1917, c. 226, § 2. 1919, c. 209. 1921, c. 96. 1925, c. 164, § 3. When authorized by the governor, with the advice and consent of the council, warrants may be drawn upon, charged to, and paid out of said state contingent fund for the purposes and to the extent of any special appropriations thereto made by the legislature, and to pay outstanding bills or accounts that were properly chargeable to the several appropriations for the previous fiscal year ending the thirtieth day of June preceding the time of payment; to pay outstanding bills necessarily contracted by state departments or state institutions for which, on account of circumstances arising subsequent to the legislative appropriations for such departments and institutions, the legislature failed to make sufficient provision; to pay such other expenses as may be necessarily incurred under any requirement of law or for the maintenance of government within the scope existing at the time of the previous session of the legislature or contemplated by laws enacted thereat; and to pay bills arising out of some emergency requiring an expenditure of money not provided for by the legislature. So much of said state contingent fund as may be necessary for said purposes is hereby appropriated to pay such bills and expenses and for said purposes. No amount shall be expended from or charged to said fund in any year in excess of the sum of three hundred thousand dollars plus any special legislative appropriations thereto.

Sec. 103. Warrants to be supported by vouchers and audited; report of state auditor relating to contingent fund and sinking fund reserve. R. S. c. 2, § 88. 1925, c. 164, § 4. Warrants drawn upon said state contingent fund shall be supported by proper vouchers, itemized, approved, and audited in conformity to law. No transfer or payments other than those provided by the three preceding sections shall be made from any fund or account thereby created except by special authority of the legislature. The state auditor shall submit to the legislature as soon as possible after it convenes a statement showing the amounts in said state contingent fund and in said sinking fund reserve, together with a detailed statement of the expenditures charged against said state contingent fund.

Sec. 104. State auditor to examine books of treasurer of state; books to be open for inspection. R. S. c. 2, § 89. The state auditor shall annually, in the month of January, examine the books, accounts, and vouchers of the treasurer of state, and report the result of such examination to the governor and council. He shall comply with all regulations in relation to the duties of his office which may be transmitted to him by the governor and council, and which are consistent with the provisions of sections ninety-six and succeeding sections of this chapter. The books, accounts, vouchers, affidavits, and other records and papers in his office relating to the public business shall be open for inspection to the citizens of this state at all reasonable times and for all proper purposes.

Sec. 105. Report to legislature, contents. R. S. c. 2, § 90. He shall, on or before the first day of February, biennially, submit to the legislature a report, showing a full and accurate statement of the financial condition of the state and of the financial transactions thereof for each of the two preceding years, ending on the thirty-first day of each December. Said report shall contain a statement of the receipts by and payments from the state treasury and a statement of the receipts by, appropriation for, and expenditures of each department, institution, commission, and board of trustees, for each of the two pre-

ceding years; the latter statement shall be so made that it will show a separate statement in detail of each department, institution, commission, and board of trustees, for each of said years. All salaries and other general charges and appropriations shall likewise appear in said report; no expenditure exceeding five hundred dollars shall, if it is composed of separate items, be included under one indefinite head. Said report shall also contain a particular statement of all transactions affecting any funds belonging to or held in trust by the state, including any and all new investments which may have been made of any portion of said funds during each of the two preceding years, and of the disposition and expenditure of any and all funds applicable to educational purposes.

Sec. 106. Report to show statement of public debt and of temporary loans.

R. S. c. 2, § 91. The report shall show the aggregate amount of the funded debt of the state at the beginning and end of each of the two preceding years, the balance of increase or decrease, and a statement as to the cause of such balance; a statement of the aggregate amount of any and all temporary loans at the beginning and end of each of the two preceding years, the balance of increase or decrease, and a statement of the cause of such balance; a statement showing whether the ordinary expenses of each of the two preceding years have exceeded the income or not, and the amount of the balance.

Budget Committee.

Sec. 107. Budget committee, personnel; duties; compensation. 1919, c. 102, § 1. The governor, state auditor, treasurer of state, the chairman of the committee on appropriations and financial affairs on the part of the senate, and the chairman of the committee on appropriations and financial affairs on the part of the house of the Maine legislature are hereby constituted a committee to be known as the committee on budget. In case of inability to serve on the part of any of said persons the vacancy shall be filled by the governor by appointment from the membership of the legislature. The governor shall be the chairman of the committee and the auditor its secretary. *The board shall meet and organize in the executive chamber at the state capitol, on the third Tuesday in July, nineteen hundred and twenty.* The secretary shall keep the minutes of the committee and shall record them in a suitable book to be kept for that purpose in the office of the state auditor. The minutes of the committee shall be a public record and shall at all times be open to public inspection. The members of the committee shall be paid the necessary expenses incurred in the performance of their duties hereunder, and in addition thereto the chairman of the committee on appropriations and financial affairs on the part of the senate, the chairman of the committee on appropriations and financial affairs on the part of the house, and any member of the committee who shall serve by appointment of the governor shall receive five dollars a day for the time actually spent in the performance of his duties hereunder while the legislature is not in session. The secretary of the committee is hereby authorized to expend such sums as he may require for clerical assistance in carrying out the provisions of sections one hundred seven to one hundred twelve inclusive of this chapter, not to exceed five hundred dollars in each biennial period.

Sec. 108. Heads of departments, state institutions, commissions and boards of trustees to file statements and estimates with secretary of committee. R. S. c. 2, § 92. 1917, c. 240, § 1. 1919, c. 102, § 2. During the month of October in each even year there shall be filed with the secretary of the committee on budget by each individual, by the heads of departments, state institutions, com-

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missions, and boards of trustees, who are intrusted with the expenditure of public money, upon forms prepared and furnished by the committee, written statements showing in detail the amounts appropriated and expended for the current biennial fiscal period ending on the thirtieth day of June preceding, and a written estimate of the necessary expenditures of the department, institution, commission, or board, for each of the two following years ending on June thirtieth, together with the estimated income, if any, arranged in proper manner in detail by classification and by proper summaries as may be required by the committee. A written statement showing the reason for all estimated expenditures, other than fixed charges, shall be filed with statement of appropriations and expenditures.

Sec. 109. Corporations and associations desiring state aid to file statements. R. S. c. 2, § 93. 1917, c. 240, § 2. 1919, c. 102, § 3. During the month of October in each even year there shall be filed with the secretary of the committee, by every corporation, not including municipal corporations, every association, board, and institution, whether public or private, receiving or requesting an appropriation from the state, upon forms prepared and furnished by the committee, a statement in detail of all money, with the reason therefor, for which any general or special appropriation is desired at the ensuing session of the legislature by such corporation, association, or institution, and such statement of desired appropriations as well as any reports required shall be and remain public records.

Sec. 110. Meetings of committee; public hearings; budget to be for two ensuing fiscal years. 1919, c. 102, § 4. The committee shall meet on the third Tuesday in November of each even year at the state capitol, and shall thereupon proceed to prepare estimates, for the budget, of the amounts required to be appropriated by the legislature for the conduct of the business of the state in all its offices, institutions, departments, and undertakings for the biennial fiscal period next ensuing, *provided that the estimates for the first fiscal period shall be for the interim from the January first following to June thirtieth of the year after the next regular session of the legislature, and thereafterward the biennial fiscal period shall be [viz:] from June thirtieth to June thirtieth of odd years.* Before making up such estimates the committee shall examine all statements and requests for appropriations on file with its secretary, and shall afford to the officers, boards, and commissions presenting such statements, and making such requests, reasonable opportunity for explanation in regard thereto, and whenever requested shall grant to such officers, boards, or commissions, and to citizens having information a hearing thereon. All such hearings shall be open to the public. The committee, or any member or members thereof upon vote of the committee, may visit any department, institution, or undertaking for which an appropriation is requested, for the purpose of examination and investigation, and the committee shall also hold such public hearings as in its judgment may be deemed advantageous for the purpose of preparing such estimates. As a part of the budget shall be included an estimate of the revenues of the state expected to be received during the ensuing biennial fiscal period, together with a report of the expenditure of state funds during the current biennial fiscal period in detail, so far as advisable. Said estimates, together with such recommendations, reasons, and explanations with regard to such estimates as shall be deemed necessary by the committee, shall be the budget for the ensuing biennial fiscal period.

Sec. 111. Budget to be transmitted to legislature; statements, estimates, etc., to be filed when requested. R. S. c. 2, §§ 94, 95. 1917, c. 240, § 3. 1919,

c. 102, § 5. The committee shall transmit to the legislature, not later than the fifth day of the first session thereof, the budget as above, and upon request of any committee of the legislature the secretary of the committee on budget shall transmit to such committee of the legislature all statements, estimates, and requests which were filed with said secretary by officers, boards, and commissions as required by sections one hundred eight and one hundred nine of this chapter, or copies thereof.

Sec. 112. How the budget shall be made up. R. S. c. 2, § 95. 1919, c. 102, § 6. In making up the estimates, constituting the budget, the committee shall, in connection therewith and as a part thereof, submit an estimate in detail, or a general estimate in any instance where it is impracticable to give specific items, subdivided under appropriate headings, of such sums as may be deemed necessary to defray the several charges and expenses of the public service for the ensuing biennial fiscal period. This estimate shall also include such sums as may be deemed necessary for charitable and benevolent institutions, new buildings or the renovation of old buildings of state institutions, and for such other purposes for which public money may be properly appropriated. It shall be accompanied by a statement showing the total valuation of taxable property in the state as compiled by the board of state assessors and the rate of taxation necessary to produce approximately the revenue required to meet such appropriations. It shall also show the estimated income of the state for said biennial fiscal period from sources other than direct taxation.

Appropriations.

Sec. 113. State auditor to prepare biennially statement of emergency expenditures for use of legislature. 1917, c. 172, § 1. The state auditor shall in the month of December before the assembling of each biennial session of the legislature prepare, and shall present to the legislature on the first day of its session, an estimate in detail, based upon the appropriations of the two preceding years, of the cost of the session of the legislature, of all salaries fixed by law, of the general departmental expenses of the state government, and of the ordinary current expenses or maintenance of the state institutions, which may be required for the period prior to the adjournment of such legislature.

Sec. 114. Such appropriations to be made with emergency clause attached. 1917, c. 172, § 2. The legislature shall forthwith appropriate, with the emergency clause, as necessary, sums sufficient to meet such costs and expenses and the treasurer of state is authorized to pay the same, upon warrants drawn by the governor and council, from any moneys in the treasury not otherwise appropriated, such payments to be charged to the regular appropriations for the same when made, or from the proceeds of any temporary loan.

Sec. 115. Application of public money. R. S. c. 2, § 100. 1925, c. 163, § 2. 1927, c. 173. Money appropriated for the various branches of expenditure in the public service, shall be applied solely to the object for which the appropriation is made, except as provided in the following section.

Sec. 116. Transfers of unexpended appropriations on recommendation of state auditor. 1925, c. 163, § 2. 1927, c. 173. Any balance of any appropriation or subdivision of an appropriation made by the legislature for any state department or state institution, which at any time may not be required for the purposes named in such appropriation or sub-division may, upon recommendation of the state auditor, be transferred by the governor and council to any other appropriation or sub-division of an appropriation made by the legislature

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for the use of the same department or the same institution for the same fiscal year.

Sec. 117. Appropriations for construction of buildings, highways, and bridges to be carried forward to next fiscal year; unexpended balances to revert. 1925, c. 163, § 1. All appropriations by the legislature for the construction of buildings, highways, and bridges shall constitute continuous carrying accounts for the purposes designated by the legislature in such appropriations and the state auditor is hereby authorized to carry forward all such appropriations to the succeeding fiscal year; provided, however, that the construction shall have been begun by the letting of a contract or contracts or by actually starting the work during the year for which the appropriation was made, and provided further that any balance remaining after the completion of the object of the appropriations shall revert to general income in the state treasury or to the fund from which it was apportioned under existing provisions of law.

Fees and Expenditures.

Sec. 118. Collection of fees by state officers and their clerks. R. S. c. 2, § 96. All state officers, their clerks or agents, who furnish copies or information from any of the records of the various state departments shall account to the state and pay over to the treasurer of state all fees collected therefor. No state department, commission, board, or institution shall be charged for information or copies of records furnished by another state department, commission, board, or institution.

Sec. 119. Fees collected to be paid to treasurer of state; fees of certain departments to be added to appropriation. R. S. c. 2, § 97. All fees, or other income which may accrue to any institution, department, board, or commission of the state, except educational institutions, from whatever source accruing, shall be paid by the official receiving the same, directly to the treasurer of state. Such income shall be credited to the appropriation of the institution to which it accrues and the same is hereby appropriated for the maintenance of such institution; fees and income accruing to any department, board, or commission shall be credited, as now provided by law; any fees received by the state board of health or the registrar of vital statistics and paid over to the treasurer of state shall be added to and made a part of the appropriations for such departments. Such payments shall be made and a detailed statement of the source and amount of such fees or such income shall be filed with the state auditor at the end of each calendar month.

Sec. 120. Bills of state institutions; advances to state institutions and departments; regulations as to fees and income. R. S. c. 2, § 98. All bills of any institution of the state shall be paid by the treasurer of state, on warrants approved by the governor and council, after proper vouchers therefor have been approved by the proper official of the institution or department contracting the same and audited by the state auditor. The auditor may make an advance on the treasurer of state to any institution of the state needing the same, of such sum as he may think necessary, not to exceed two thousand dollars at any one time. The fees or other income accruing to state institutions, except educational institutions, shall be credited, and the bills of such institutions shall be paid, under such regulations as the state auditor may prescribe.

Sec. 121. Charitable and benevolent institutions to submit itemized bills. 1917, c. 114, § 1. No part of any appropriation made by the state for the care, treatment, support, or education of any person in any charitable or benevolent

institution not wholly owned or controlled by the state shall be paid until duly itemized bills, showing the name of the person cared for, the date on which the service was rendered, and the rate charged therefor per day or week, shall have been audited and certified by the state auditor as prescribed by section ninety-seven of this chapter.

Sec. 122. Bills for services to be accompanied by certificate of department of public welfare. 1917, c. 114, § 2. 1927, c. 48. No such bill shall be allowed by the state auditor unless it bears a certificate of the department of public welfare or its secretary, showing that satisfactory evidence has been filed in its office by the institution furnishing the service that the persons receiving care were in need of such treatment, support, or education; that they were not able to pay for the same; that the rates charged are not greater than those charged to the general public for the same service, and that the rates charged to those who are able to pay are not less than the cost of the service rendered.

Sec. 123. Person aided not to be deemed a pauper. 1917, c. 114, § 3. No person shall be deemed a pauper by reason of having received the benefit of any funds, either state or municipal, which shall have been expended in his behalf under the provisions of sections one hundred twenty-one to one hundred twenty-four inclusive of this chapter, for care, support, medical or surgical treatment, or education.

Sec. 124. State auditor and department of public welfare to furnish blank forms. 1917, c. 114, § 4. 1927, c. 48. The state auditor shall prescribe and furnish such blank forms as are necessary for rendering the bills designated in section one hundred twenty-one of this chapter, and the department of public welfare shall prescribe such regulations and furnish such blank forms as are necessary for carrying out the provisions of section one hundred twenty-two of this chapter.

Sec. 125. State to pay accounts semi-monthly. R. S. c. 2, § 101. On all contracts with the state or any department thereof the state shall make payments on account at least semi-monthly unless otherwise agreed upon. Nothing herein contained shall be construed to relieve the state, its officers, boards, and commissioners from paying mechanics, workmen, and laborers employed by it or them as provided in section thirty-nine of chapter fifty-three.

Sec. 126. Heads of departments not to employ counsel. R. S. c. 2, § 102. No head of any department shall employ counsel or witnesses, at the expense of the state, to appear before any committee of the legislature, without the consent of the legislature.

Sec. 127. No agent or officer of state to exceed appropriations; penalty. R. S. c. 2, § 103. No agent or officer of the state, or of any department thereof, whose duty it is to expend money under an appropriation by the legislature, shall contract any bill or incur any obligation on behalf of the state in excess of the appropriation, and whoever exceeds in his expenditure said appropriation, shall not have any claim for reimbursement. Any such agent or officer who shall violate the provisions of this section shall upon conviction be fined a sum equal to such excess of appropriation by him expended, and imprisoned in the discretion of the court. All prosecutions under this section shall be by indictment and the fines inure to the state.

Sec. 128. Purchase of supplies by competitive bids. R. S. c. 2, § 104. All materials and supplies purchased in wholesale quantities by the state, or on the credit of the state, or any state department or institution, shall be purchased by competitive bids under the direction of the governor and council, whenever in their judgment it is advisable to adopt such a method of purchasing supplies.

CHAPTER 3.

State Historian. Public Documents. State Printing and Binding. Superintendent of Public Printing. State Paper.

Sections 1- 6	State Historian.
Sections 7- 9	Public Documents.
Sections 10-13	State Printing and Binding.
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Section 17	State Paper.

State Historian.

Sec. 1. State historian, appointment; duties. R. S. c. 3, § 19. The governor, with the advice and consent of the council, shall appoint a state historian, who shall be a member of the Maine Historical Society and whose duty it shall be to compile historical data of the state and encourage the teaching of the history of the state in the public schools. He shall also encourage the compiling and publishing of town histories, combined with local geography; he shall examine and, when he decides that the material is suitable, approve histories of towns compiled as provided in the following section.

Sec. 2. May approve publication of town history. R. S. c. 3, § 20. Whenever any town shall present to the state historian material which he considers suitable for publication as a history of the town presenting the same, he may approve the publication of a history with the local geography which will be suitable for use in the grammar and high school grades of the public schools.

Note. Preservation of records and history of Grand Army of the Republic, Dept. of Maine, P. & S. L. 1909, c. 149; 1911, c. 205.

Sec. 3. Board to compile history. R. S. c. 3, § 21. The superintending school committee and the superintendent of schools, with some citizen of the town to be elected by them, shall constitute a board to compile a history and the local geography of the town in which they reside. Two or more towns may unite in compiling and publishing a history and the local geography of the towns forming the union. The superintendent of schools shall forward two copies of such history to the state library and notify the superintendent of public schools of the title of said history.

Sec. 4. Towns publishing history to receive state aid. R. S. c. 3, § 22. Whenever material for a town history with local geography has been approved by the state historian and the same has been published by the town, or by a union of towns and provision has been made for its regular use in the public schools of said town, the treasurer of state shall pay the town so publishing a sum not exceeding one hundred and fifty dollars, provided that the state shall not pay to any town more than one-half of the amount paid by said town for printing and binding the history thereof.

Sec. 5. Marking of historical sites. R. S. c. 3, § 23. The marking of historical sites, as authorized by the legislature, shall be under the direction of the state historian.

Sec. 6. Expenses of historian. R. S. c. 3, § 24. The actual cash expenses of the state historian incurred while in the discharge of his official duties shall be paid from the state treasury but shall not exceed five hundred dollars a year; any portion of said amount may be expended by the state historian, under the direction of the governor and council, in the publication of historical matter and data relating to the history of the state, or in making available by card catalogue, and otherwise, historical materials in the possession of the state.

Public Documents.

Sec. 7. Historical documents of Maine; manuscripts to be reviewed before state aid given. 1919, c. 79. When state aid shall be asked of the legislature to assist in the publication, editing, or compiling of any manuscripts, documents, or writings pertaining to the history of the State of Maine, such manuscripts, documents, or writings shall first be submitted to the state librarian and to a professor of history of some college or university within the State of Maine, who shall be appointed by the governor, which two, in conjunction with some member of the Maine Historical Society to be selected by them, shall examine and review such manuscripts, documents, or writings and shall report to the legislature their approval or disapproval of or suggest changes in the same.

Sec. 8. Reports of departments; publication and distribution; number of copies. R. S. c. 3, § 31. 1917, cc. 74, 102. 1919, c. 36. 1923, c. 82. The number of copies of the following named reports to be printed hereafter at the expense of the state and the styles in which the same shall be so printed and bound shall be determined by the governor and council but shall not exceed one thousand copies for any department: the bank commissioner; the commissioner of labor and industry; the trustees of juvenile institutions; the warden of the state prison and board of prison commissioners; the insurance commissioner; the public utilities commission; the state superintendent of public schools; the treasurer of state; the trustees and officers of the state hospitals; the board of state assessors; the attorney general; the land agent and forest commissioner; the commissioner of inland fisheries and game; the sea and shore fisheries commission; the state department of health; the adjutant general; the librarian of the state library and the Bath military and naval orphan asylum. The report of the commissioner of agriculture shall not exceed fifteen hundred copies. Said reports are to be printed biennially covering the two fiscal years next preceding each legislative year, and all to be ready for distribution upon the convening of the legislature at its regular biennial sessions. Of the above named reports fifty copies may be retained by the binder for public documents, and at least two hundred and fifty copies shall be delivered to the state librarian, by the binder, for exchange, library use, and general distribution, and the balance of the number of each report shall be delivered to the head of the department or institution where it originated and where it was prepared for publication.

Sec. 9. Other reports, numbers to be determined by governor and council. R. S. c. 3, § 32. 1919, c. 36. The reports, catalogues, and compilations of all state departments, commissions, and institutions, other than as enumerated in the preceding section, may be printed and bound, but the number and the styles in which the same shall be so printed and bound at the expense of the state shall be determined from time to time by the governor and council, who shall also fix the number of the same which shall be delivered from the bindery or printing office to the librarian of the state library; but at least ten copies of

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each periodical, bulletin, pamphlet, or leaflet issued by any department or institution of the state shall be deposited in the state library.

State Printing and Binding.

Sec. 10. Incidental printing subject to approval of governor and council. R. S. c. 3, § 33. Each department, institution, commission, and board of trustees may have printed at the expense of the state, bulletins and circular letters of inquiry and information, blank books, blanks, stationery, and office supplies, required for the conduct of the business of the department at such times and in such numbers as the officer in charge thereof may consider necessary, such requisition for printing to be subject to the approval of the governor and council. Except as provided in this and the preceding section, no reports, catalogues, or compilations shall be printed, stitched, or bound by any department, commission, or institution of the state at the expense of the state unless by virtue of special legislative provision therefor.

Sec. 11. Governor and council to contract for state printing on basis of competitive bids. R. S. c. 3, § 34. The governor and council may contract in behalf of the state on the basis of competitive bids for the printing of the reports, catalogues, compilations, bulletins, and circulars, authorized to be printed under the three preceding sections and for all other miscellaneous printing, now or hereafter authorized by law for each department of the state government, including the legislative printing. They may, in their discretion, call for bids and contract separately for distinct portions of the state printing or state binding, but may reject any and all bids which they do not deem for the interest of the state to accept and may take such security as they deem necessary for the faithful performance of any contract made under the authority of the three preceding sections. No such contract shall be for a longer time than two years.

Sec. 12. Contracts of stock, electrotypes, etc. R. S. c. 3, § 35. The governor and council may in their discretion contract from time to time, on the basis of competitive bids, for the making or delivery of the paper stock, engravings, electrotypes, dies, lithographs, or other plates required in the execution of the state printing. No such contract shall be for a longer time than two years.

Sec. 13. State binding. R. S. c. 3, § 36. The governor and council may contract in behalf of the state, on the basis of competitive bids, for all the folding, stitching, ruling, and binding for every department of the state government for which the state is held to pay. They may in their discretion call for bids and contract separately for distinct portions of the state binding but may reject any and all bids which they do not deem it the interest of the state to accept, and may take such security as they deem necessary for the faithful performance of any contract made under the authority of the four preceding sections. No such contract shall be for a longer time than two years.

Superintendent of Public Printing.

Sec. 14. Superintendent of public printing, appointment; qualifications. R. S. c. 3, § 37. 1919, c. 224. To carry out the provisions of the six preceding sections, the governor shall appoint a superintendent of public printing, whose appointment shall be approved by the council. He shall be an experienced practical book and job printer with a working knowledge of the various grades, sizes, and weights of paper stocks, type measurements, classes of composition, and method of press work.

Sec. 15. Superintendent of public printing, duties; report. R. S. c. 3, § 38. All state departments, institutions, commissions, and boards of trustees requiring printing or bindery work for which the state is properly holden to pay out of any public moneys shall make requisition for the same to the superintendent of public printing, who shall superintend the execution of all orders upon such requisitions and examine, correct, and approve all bills rendered against the state on account of such orders. He shall keep a correct record of the expenditures hereunder of the several departments, institutions, commissions, and boards of trustees through the office of the state auditor and the same shall always be available for public inspection. He shall also report to the governor and council annually in detail the description, quantity, and cost of each item of expenditure relating to the state printing and binding.

Sec. 16. Offices in which superintendent interested not eligible for state contracts. R. S. c. 3, § 39. No contract authorized by the eight preceding sections shall be awarded to a printing office or bindery in which the superintendent of public printing is owner, partner, stockholder, director, manager, or agent, or otherwise financially interested.

State Paper.

Sec. 17. Kennebec Journal to be state paper. 1917, c. 1. The Daily Kennebec Journal, a newspaper printed at Augusta, shall be the state paper of this state, in which shall be published all laws and resolves of a public nature and also all advertisements, notices, and orders, required by law to be published in the state paper.

CHAPTER 4.

Libraries.

Section	1	Introductory.
Sections	2-18	State Library.
Sections	19-26	Distribution of Public Documents.
Sections	27-35	Free Public Libraries.

Introductory.

Sec. 1. Scope of chapter. 1921, c. 210, § 1. The purpose of this act is to consolidate in one chapter the various provisions of law relating to libraries.

State Library.

Sec. 2. Governor and council to act as trustees of Maine State Library R. S. c. 3, § 3. 1921, c. 210, § 2. The Maine state library shall be under the management and control of the governor and council, who shall be known as the trustees of the Maine state library and who shall make such rules and regulations as are necessary for the proper management of the library and the safety of its contents.

Sec. 3. Appointment of librarian and assistant librarian. R. S. c. 3, § 4. 1921, c. 210, § 3. The governor and council shall appoint a librarian of the Maine state library, who shall serve for five years and give bond to the state for the faithful performance of the duties of his office. The librarian shall appoint an assistant, who shall perform the duties prescribed by him, and shall give bond to the librarian for the faithful performance of the same.

Sec. 4. Enumerating some of the works which shall be kept in the library. R. S. c. 3, §§ 1, 2. 1921, c. 210, § 4. There shall be procured and kept in the library full and complete sets of digests, law reports, public laws, and legislative documents of the United States and of the several states; a full set of English and Canadian law reports, digests, and laws; the general works on elementary law and practice; histories of all countries, including those of this state, its counties and towns; works on the arts and sciences with special reference to agriculture, forestry, fishing, manufactures, ship building, and road making; maps, charts, plans, and manuscripts, statistical and other publications relating to the financial, social, religious, and educational condition of the world and more especially to this state, as fast as means are furnished by the state therefor; and all printed documents of this state and reports of all departments, offices, institutions, and towns, required by law, not distributed by the several departments, shall be kept in the library.

Sec. 5. Library to be open from nine A. M. until four P. M. R. S. c. 3, § 5. 1921, c. 210, § 6. The librarian shall keep the library open every day in the year, Sundays and the usual public holidays excepted, from nine in the morning until four in the afternoon; and the superintendent of public buildings and his assistants shall see that no one is admitted to the library rooms out of office hours or that any book is taken therefrom without the consent of the librarian.

Sec. 6. Books to be loaned to responsible citizens of state. R. S. c. 3, §§ 6, 7.

1921, c. 210, § 6. Under such rules and regulations as the trustees may prescribe, the librarian may lend books and documents from the library to any responsible citizen of the state, on payment of all carriage charges.

Sec. 7. Traveling libraries to be loaned. R. S. c. 3, § 8. 1921, c. 210, § 7. When the officers of any library or association or any individual shall apply to the librarian and he is satisfied that the application is justified he may, from books purchased and kept for the purpose, lend such library, association, or individual, one or more of the traveling libraries when such are in stock. Books so lent are to be, in turn, lent free of charge to the patrons of such library or to the citizens of the towns where such library, or association, or individual is located.

Sec. 8. Persons or organizations responsible for books borrowed. R. S. c. 3, § 9. 1921, c. 210, § 8. Any person or organization receiving the loan of any books or documents from the Maine State Library shall be responsible for the full value thereof to the librarian, and in case of the loss of or damage to a volume belonging to a set, shall procure a new volume or be responsible for the value of the set. If any person or organization shall neglect or fail to return any books or documents lent to them, or shall return the same in an injured or mutilated condition, after due demand and notice, the librarian may maintain an action at law against such person or organization for the full value of such books or documents. Actions to enforce the liability mentioned in this section may be brought by the librarian in his own name in behalf of the state, and in case of his death or removal, the action shall be prosecuted by his successor.

C. 139, § 28.

Sec. 9. To maintain bureau of historical research. R. S. c. 3, § 14. 1921, c. 210, § 9. As a part of the general duties of his office, the librarian shall maintain a bureau of historical research. Under the direction of this bureau the library shall conduct a system of exchange with other libraries and institutions of learning. It shall also have charge of all Maine historical and genealogical work in the library and carry on research work relating to the history of the state.

Sec. 10. Published records of vital statistics to be purchased. 1921, c. 210, § 11. Whenever the record of the births, marriages, and deaths of any town in the state, previous to the year eighteen hundred and ninety-two, beginning at the very earliest date, shall be collected from church records, church registers, records of clergymen, family bibles, public records and other available sources, and shall be printed and verified in the manner required by the standing committee of the Maine Historical Society, under the editorship of some person selected by said committee, whose services shall be rendered free and without any compensation, and the work shall appear to them to have been prepared with accuracy, the librarian of the state library shall purchase five hundred copies of such record at a price not exceeding two cents per page; provided, that the written copies of the town records shall become the property of the state, and shall be deposited in the office of the register of vital statistics; and provided, further, that not more than three thousand dollars shall be expended by authority of this section in any one year.

Sec. 11. Distribution of published records of vital statistics. 1921, c. 210, § 11. The volumes purchased as aforesaid shall be distributed by the state librarian as follows: one copy to the free public library of each town and city of the state; one copy to each state and territorial library in the United States; one copy to the library of congress; and one copy to each incorporated historical society in the state; one copy to the library of each college in the state; and

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one copy to each registry of deeds. The remainder shall be placed in the state library for the purpose of exchange.

Sec. 12. To maintain legislative reference bureau. 1917, c. 129. 1921, c. 210, § 12. The librarian shall also maintain in the library, a legislative reference bureau which shall collect, arrange, and place on file books, pamphlets, and other material relating to legislation, shall prepare abstracts of laws in other states, and present such other information as may be useful and necessary to the legislature in the performance of its legislative duties.

Sec. 13. To maintain a bureau of library extension. 1921, c. 210, § 13. Under the direction of the librarian a bureau of library extension shall lend traveling libraries and shall carry on all library extension activities such as are enumerated in sections seven and fourteen of this chapter.

Sec. 14. To give advice to local libraries; to receive gifts in trust; to conduct schools of library instruction. R. S. c. 4, § 82. 1917, c. 125. 1921, c. 210, § 14. The Maine State Library shall give advice to all school, state, institutional, free, and public libraries, and to all communities in the state which may propose to establish libraries as to the best means of establishing and administering them, selecting and cataloging books, and other details of library management, and may send its employees to aid in organizing such libraries or assist in the improvement of those already established. It may also receive gifts of money, books, or other property which may be used or held in trust for the purpose or purposes given. It may publish lists and circulars of information and may co-operate with the libraries and commissions of other states in the publication of documents in order to secure the most economical administration of its work. It may conduct courses or schools of library instruction and hold librarians' institutes in various parts of the state, and co-operate with others in such schools or institutes. It shall perform such other service in behalf of the public libraries as it may consider for the best interests of the state.

Sec. 15. To establish an index bureau. R. S. c. 3, § 17. 1921, c. 210, § 15. The librarian shall also establish and maintain an index bureau. This bureau shall have charge of all indexing in connection with the work of the library and such other indexing as the legislature and governor and council may direct.

Sec. 16. To make a biennial report to the legislature. R. S. c. 3, § 18. 1921, c. 210, § 16. The librarian shall report to the legislature biennially the receipts and expenditures on account of the library, the number of books, maps, and charts acquired during the two preceding years, specifying those obtained by purchase, donation, and exchange and shall make in such report suggestions in relation to the improvement of the library.

Sec. 17. Appropriation authorized. R. S. c. 3, § 16. 1919, c. 203. 1921, c. 210, § 17. To provide funds for the administration of the library and for the salaries and expenses incident thereto, there shall be appropriated for each fiscal year sums as in the opinion of the legislature shall be deemed sufficient to carry out the provisions of this chapter.

Sec. 18. Municipal and county reports to be filed with librarian. R. S. c. 3, § 15. 1921, c. 210, § 19. Town clerks of the several towns, city clerks of the several cities, and treasurers of the several counties shall promptly transmit to the librarian of the Maine State Library copies of all printed reports of said towns, cities, and counties, including all printed exhibits of town, city, and county expenditures.

Distribution of Public Documents.

Sec. 19. Maine reports, statutes, etc., distributed to municipalities remain property of state. R. S. c. 3, § 25. 1921, c. 210, § 20. All Maine reports, statutes, digests, acts and resolves, and other publications, printed or purchased by the state, and hereafter distributed according to law or custom to the several towns and plantations within the state, shall be and remain the property of the state and shall be held in trust by such towns or plantations for the sole use of the inhabitants thereof and for no other purpose.

Sec. 20. Books distributed to state, county, or town officers to be turned over to successors in office. R. S. c. 3, § 26. 1921, c. 210, § 21. All such books and publications as may hereafter be furnished by the state to any state, county, or town officer, shall be and remain the property of the state and shall be held in trust by said officer for the sole use of his said office; and at the expiration of his term of office or on his removal therefrom by death, resignation, or other cause, such officer, or if he be dead, his legal representatives, shall turn over to his successor in office all of said books and publications so furnished by the state and shall take a receipt therefor.

Sec. 21. Maine reports, statutes, etc., distributed to towns and public officers to be plainly marked as property of state. R. S. c. 3, § 27. 1921, c. 210, § 22. All Maine reports, revised statutes, public laws, and digests distributed by the librarian of the state library to the several towns and public officers in the state shall be plainly marked upon the cover and upon the title page with the following words: "The property of the State of Maine, not to be sold." Any town not retaining said volumes shall not make any requisition upon the librarian for their replacement and shall forfeit all claim to be supplied with any further state publications.

Sec. 22. Maine reports, how distributed. R. S. c. 3, § 28. 1921, c. 210, § 23. 1923, c. 163, § 1. The printed decisions of the supreme judicial court, commonly called Maine Reports, which are purchased by the state in accordance with chapter ninety, section seventy-nine of the revised statutes and its amendments, shall be distributed by the librarian of the Maine state library as follows: one copy shall be sent to each free public library, county law library, college library, town or city in which there is no free public library, county attorney, judge of probate, register of probate, clerk of courts, municipal court, ex-governor, councillor, senator and representative from Maine in the congress of the United States, judge of the supreme judicial court, judge of a superior court, ex-judge of supreme judicial court or a superior court, state or territorial library in the United States, supreme court library of Canada. One copy shall also be sent to the judge of the United States district court, United States district attorney, clerk of United States district court, and judge of United States circuit court in this state, and to the Maine Historical Society, reporter of decisions, library of congress, Maine State Bar Association and governor of the state.

Upon request of the administrative officer thereof one copy shall be given to each state department or institution. One copy shall also be sent to each town or city in which there is a free public library if so requested by the selectmen of the town or mayor of the city.

Sec. 23. Revised Statutes and session laws, how distributed. 1923, c. 163, § 2. All future compilations or revisions of the statutes and the laws passed by each legislature, which are printed and bound by the state, shall be distributed by the librarian of the Maine state library as follows: one copy shall be sent to each county attorney, clerk of courts, county commissioners' court,

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county law library, sheriff, county treasurer, register of deeds, register of probate, judge of probate, judge of the supreme judicial court, judge of a superior court, municipal court, college library, councillor, free public library, town or city in which there is no free public library, state or territorial library in the United States, supreme court library of Canada, ex-governor, ex-judge of supreme judicial court or a superior court, senator and representative from Maine in the congress of the United States. One copy shall also be sent to the governor of the state, Maine Historical Society, library of congress, reporter of decisions, Maine State Bar Association, and to the judge of the United States district court, United States district attorney, clerk of United States district court, judge of United States circuit court in this state. One copy of the laws passed by each session of the legislature shall be sent to each member and officer thereof.

Upon request of the administrative officer thereof one copy of any future compilation or revision of the statutes or of the laws passed by any legislature shall be given to each state department or institution. One copy shall also be sent to each town or city in which there is a free public library, if so requested by the selectmen of the town or the mayor of the city.

The remaining copies of the laws shall be held in the library for exchange or sale.

Sec. 24. Distribution of departmental reports; to maintain document room. R. S. c. 3, §§ 29, 30. 1921, c. 210, §§ 24, 25. He shall distribute reports of the departments and institutions of the state and all books and documents published or purchased by the state to such nations, counties, municipalities, corporations, institutions, and persons as are or may be by law entitled to receive the same. He may transmit one copy of each published report of each department of the state government to each library in the state and to such schools and other public institutions therein as may desire the same. He shall also transmit to the legislature and to each member and officer thereof, as soon after the commencement of its session as practicable, one copy of each of the printed reports of each state department. He shall send to each representative of the press in attendance at legislative sessions such public documents as are customarily sent to members of the legislature. He shall maintain a document room, in which shall be stored all department reports and the publications of the state intended for distribution, and shall keep an accurate account of all books and documents received.

Sec. 25. Departmental reports to be delivered to librarian by binder. 1921, c. 210, § 26. At least two hundred fifty copies of each department report shall be delivered to the state librarian by the binder for exchange, library use, and general distribution.

Sec. 26. Departmental publications to be delivered to librarian. 1921, c. 210, § 27. Ten copies of each periodical, bulletin, pamphlet, or leaflet issued by any department or institution of the state shall be deposited in the state library.

Free Public Libraries.

Sec. 27. Authorizing towns to establish and maintain free public libraries. R. S. c. 4, § 74. 1919, c. 35. 1921, c. 210, § 28. 1925, c. 175, § 1. Any town may establish a free public library therein for the use of its inhabitants and provide suitable rooms therefor under such regulation for its government as the inhabitants from time to time prescribe; and may levy and assess a tax and make appropriation therefrom for the foundation and commencement of such library and for its maintenance and increase annually. Any town in which

there is a public library may establish and maintain under the same general management and control such branches of the same as the convenience and wants of its citizens seem to demand.

Sec. 28. Authorizing village corporations to establish free public libraries. R. S. c. 4, § 75. 1917, c. 124. 1921, c. 210, § 29. 1925, c. 175, § 2. Any village corporation located in a town where no free library exists may establish a library within its limits for the free use of all its inhabitants and may levy and assess a corporate tax and make appropriation therefrom for its maintenance and increase annually. Village libraries established under this section shall be subject to all the duties and entitled to all the privileges prescribed by the laws relating to free public libraries in towns.

Sec. 29. Authorizing towns to raise money to secure free use of library in adjoining town; state aid therefor. R. S. c. 4, § 76. 1917, c. 165. 1921, c. 210, § 30. 1925, c. 175, § 3. Any town may raise and appropriate annually a sum of money for the purpose of securing to its inhabitants the free use of a library located in an adjoining town and shall be entitled to receive from the treasurer of state a sum not less than seven per cent nor more than ten per cent of the amount so raised, appropriated, and expended yearly, provided that no town shall receive annually more than five hundred dollars, to be paid on the certificate of its municipal officers returned as provided in section thirty-one.

Sec. 30. Adjacent towns may unite in establishment and maintenance of libraries; entitled to same benefits as single towns. R. S. c. 4, § 77. 1921, c. 210, § 31. 1925, c. 175, § 4. Two or more adjacent towns may unite in establishing and maintaining a free public library with branches thereof in each town for the free use of all the inhabitants of said towns and may each raise and make appropriation for that purpose annually, and such towns shall be subject to all duties and entitled to all the benefits prescribed by the laws relating to free libraries.

Sec. 31. Procedure for obtaining state aid for towns maintaining free public libraries. R. S. c. 4, § 78. 1917, c. 212. 1921, c. 210, § 32. The municipal officers of any town or city and the assessors of any village corporation where a free public library is established shall annually, on the first day of May, certify to the trustees of the Maine State Library the amount of money appropriated and expended by said town, city, or village corporation during the preceding year for the purchase of books and documents for the use and benefit of such free public library and for the payment of the running expenses thereof; the trustees may certify as to grade and quality of service performed by the library; and the governor, with the advice and consent of the council, shall draw a warrant on the treasurer of the state for the purchase of books for the use of such library, for a sum not less than seven per cent nor more than ten per cent of the amount expended by said town or village corporation as certified by its municipal officers or assessors, provided that no town shall receive annually more than five hundred dollars.

Sec. 32. Towns may assist libraries controlled by associations provided such association grants free use of books to residents. R. S. c. 4, § 79. 1921, c. 210, § 33. 1925, c. 175, § 5. Any town or city in which there is a library owned or controlled by a corporation or association or by trustees may levy and assess a tax and make appropriation therefrom annually to procure from such library the free use of its books for all the inhabitants of the town or city, under such restrictions and regulations as shall insure the safety and good usage of the books; and such library shall then be considered a free public library within the meaning of this chapter and said town or city shall be entitled to the

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benefits of the preceding section, provided that any books and documents purchased with said stipend, and all books and documents donated by the state, shall be and remain the property of said municipality.

Sec. 33. Duty to keep custody of public documents furnished by state librarian; duty to report list of books purchased with state stipend. R. S. c. 4, § 80. 1921, c. 210, § 34. In every town and city where a free public library exists the librarian of the state library shall transmit to such library all laws, Maine reports, and other documents which the town or city is by law entitled to receive from the state, and the same shall be constantly kept in such library for the use and benefit of all the citizens; and the officers of said library, on or before the first day of April of each year, shall send to the librarian of the state library a report containing a list of all books and documents purchased with the state stipend for the preceding year and of all books and documents received from the state in said library. The aid from the state, hereby provided, shall be withheld from any town, city, or village corporation until the report herein required to be made on or before the first day of April of each year shall have been received by the librarian of the state library. And the same shall also be withheld unless said report shall show that the laws, Maine reports, and other documents furnished to said town or city by the state are kept in said library as required by this section.

Sec. 34. Books may be donated to towns to assist in foundation of library. R. S. c. 4, § 81. 1917, c. 123. 1921, c. 210 § 35. The trustees of the Maine State Library shall donate to any town having no free public library owned or controlled by the town books purchased for that purpose not exceeding fifty per cent in value of the books and documents purchased by said town for the purpose of founding a free public library therein; said donation in no case to exceed one hundred dollars unless, in the judgment of the trustees, it would be to the advantage of the library to receive the amount in some other form.

Sec. 35. Towns may accept gifts and devises for library purposes. R. S. c. 4, § 83. 1921, c. 210, § 36. Any town, as such, may receive, hold, and manage devises, bequests, or gifts for the establishment, increase, or maintenance of a public library therein; and may accept by vote of the legal voters thereof any land or land and buildings thereon, to be used as a public library or art gallery, or both combined. When any plantation is incorporated into a town such gifts and the proceeds thereof fully vest in such town.

CHAPTER 5.

Towns, Their Meetings, Officers, Powers, Duties.

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Sections	192-207	Plantations.

Town Meetings. Town Officers.

Sec. 1. Towns, corporations. R. S. c. 4, § 1. The inhabitants of each town are a body corporate, capable of suing and being sued, and of appointing attorneys and agents.

3 Me. 371, 13 Me. 80; 14 Me. 377; 20 Me. 46, 246; 54 Me. 250; *63 Me. 235;
*105 Me. 372.

Sec. 2. Meetings called by warrant. R. S. c. 4, § 2. Every town meeting, except in the cases mentioned in the two following sections, shall be called by a warrant signed by the selectmen.

123 Me. 113.

Sec. 3. First meeting, how called; when no officers, called on application to justice of the peace. R. S. c. 4, § 3. The first town meeting shall be called and notified in the manner prescribed in the act of incorporation; and if no mode is therein prescribed, by any justice of the peace in the same county. When a town, once organized, is destitute of officers, a meeting may be called on application to such justice for his warrant for the purpose, made in writing by any three inhabitants thereof. When, by reason of death, removal, or resignation, a majority of the selectmen do not remain in office, a majority of those remaining in office may call a town meeting.

Sec. 4. Selectmen refusing, meeting how called; ten voters may have articles inserted in warrant. R. S. c. 4, § 4. If the selectmen unreasonably refuse to

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call a town meeting, any ten or more legal voters therein may apply to a justice of the peace in the county, who may issue his warrant for calling such meeting. When ten or more voters in writing request the selectmen to insert a particular thing in a warrant, they shall insert it in the next warrant issued, or shall call a special meeting for the consideration thereof.

*53 Me. 390; *66 Me. 590.

Sec. 5. Form of warrant. R. S. c. 4, § 5. In either case, the warrant shall specify the time and place at which the meeting shall be held; and in distinct articles shall state the business to be acted upon at such meeting; and no other business shall be there acted upon.

3 Me. 310; 10 Me. 322; 12 Me. 489; 13 Me. *472; 17 Me. 102; 19 Me. 189; *37 Me. 305; *60 Me. 573; 63 Me. 240; 65 Me. 352; 68 Me. 85; 123 Me. 113.

Sec. 6. Warrant, how directed. R. S. c. 4, § 6. The warrant may be directed to any constable of the town, or any person by name, directing him to warn and notify all persons qualified to vote at such meeting, to assemble at the time and place appointed.

65 Me. 352; 123 Me. 113.

Sec. 7. Notice; return. R. S. c. 4, § 7. Such meeting shall be notified by the person to whom the warrant is directed by posting an attested copy thereof in some public and conspicuous place in said town seven days before the meeting, unless the town has appointed, by vote, in legal meeting, a different mode, which any town may do. In either case, the person who notifies the meeting shall make return on the warrant, stating the manner of notice, and the time when it was given.

7 Me. 429; *12 Me. 489; *13 Me. 472; 17 Me. 447; *25 Me. 563; 26 Me. 179; 29 Me. 525; 34 Me. 578; 49 Me. 351; 51 Me. 30; 55 Me. 195; *56 Me. 392; 65 Me. 352; *66 Me. 587; 82 Me. 181; 110 Me. 514; 123 Me. 113.

Sec. 8. Sections 4, 5, 6 and 7 apply to cities and their officers. R. S. c. 4, § 8. Sections four, five, six, and seven apply to cities and the municipal officers of cities, the same as to towns and the selectmen of towns, and when any meeting thus provided for is called in cities, it shall be by warrants posted in each ward.

Sec. 9. Village corporation meetings, how called. R. S. c. 4, § 9. The meetings of any village corporation may be notified by the person to whom the warrant is directed, by posting attested copies in two or more public and conspicuous places within the corporation limits seven days before the meeting, instead of in the manner provided by the act creating such corporation; provided, that such corporation shall first, at a legal meeting, designate at what and how many places such notices shall be posted.

112 Me. 451.

Sec. 10. Errors in records, tax lists, and returns, how amended. R. S. c. 4, § 10. When omissions or errors exist in the records or tax lists of a town or school district, or in returns of warrants for meetings thereof, they shall be amended, on oath, according to the fact, while in or after he ceases to be in office, by the officer whose duty it was to make them correctly. If the original warrant is lost or destroyed, the return, or an amendment of it, may be made upon a copy thereof.

See c. 13, § 36; c. 14, § 31; 7 Me. 429; 12 Me. 490; 13 Me. 472; 17 Me. 447; 25 Me. 563; 26 Me. 179; *29 Me. 526; 34 Me. 578; 48 Me. 356; 49 Me. 351; 51 Me. 30; 55 Me. 195; 56 Me. 392, 395; 65 Me. 25, 352; 66 Me. 587; 85 Me. 301; 89 Me. 320; 94 Me. 355; 102 Me. 418; 108 Me. 126; 110 Me. 514; 120 Me. 517, 519; *122 Me. 86, 88.

Sec. 11. Who are legal voters. R. S. c. 4, § 11. Every person, qualified to vote for governor, senators, and representatives, in the town in which he resides, may vote in the election of all town officers, and in all the affairs thereof.

Sec. 12. Annual meetings; auditor may be chosen; treasurers and collectors

not to be selectmen or assessors; may be same person. R. S. c. 4, § 12. Annual town meetings shall be held in March, and the voters shall then choose, by a major vote, a clerk, three, five, or seven inhabitants of the town to be selectmen and overseers of the poor, when other overseers are not chosen, three or more assessors, two or more fence viewers, treasurer, surveyors of lumber, sealers of leather, measurers of wood and bark, constables, collectors of taxes, and other usual town officers; and if one-third of the voters present are in favor thereof, they shall choose, by a major vote, one auditor of accounts, all of whom shall be sworn. In towns of over four thousand inhabitants the candidates receiving the greatest number of votes for any of the above mentioned officers shall be deemed elected to such office. Treasurers and collectors of towns shall not be selectmen or assessors, until they have completed their duties as treasurers and collectors and had a final settlement with the town. The treasurer and collector of taxes of cities and towns may be one and the same person.

Election of park commissions, § 106; of superintending school committee, c. 19, § 34; of overseers of the poor, c. 32, § 11; of fish warden, c. 37, § 11; compensation of selectmen and assessors, c. 13, § 90.

See § 30, also c. 13, §§ 91, 92; c. 14, § 57; c. 34, § 6; 17 Me. 447; 48 Me. 357, 444; 62 Me. 111, *517; 63 Me. 154; 70 Me. 562, 565; *77 Me. 417; 81 Me. 188; *83 Me. 220; 96 Me. 485; 98 Me. 156; 104 Me. 258; 123 Me. 379.

Sec. 13. Elections for three years. R. S. c. 4, § 13. Any town electing three selectmen, three overseers of the poor, and three assessors, may, if the electors present vote so to do, elect one member of each board to hold office for one year, one for two years, and one for three years, and at each annual meeting thereafter one member of each of the said boards shall be elected for a term of three years; towns electing more than three selectmen, three overseers of the poor, and three assessors, may by vote determine how many of each of said boards shall be elected annually and the tenure of their office.

See § 135, ¶ xi.

Sec. 14. Officers chosen by ballot. R. S. c. 4, § 14. Moderator, town clerk, selectmen, assessors and overseers of the poor, treasurer, auditor, and school committee shall be elected by ballot, and the other said officers by ballot, or if not so elected, they shall be appointed by the selectmen.

96 Me. 485; *104 Me. 258.

Sec. 15. Vacancy in office of auditor filled by appointment. R. S. c. 4, § 15. When by reason of the non-acceptance, death, removal, insanity, or other incompetency of a person elected to the office of town auditor, there is a vacancy in said office, the selectmen may appoint a person to fill said office, who shall perform all the duties of said office until an auditor is elected by the town at its next annual meeting. The person so appointed, shall be duly sworn.

115 Me. 108.

Sec. 16. Town to elect road commissioner or authorize selectmen to appoint; provisions for removal. R. S. c. 4, § 16. 1919, c. 92, § 1. Each town shall hereafter, at its annual meeting, elect by major vote a road commissioner, who shall hold his office for the term of one year from the date of his election; except that any town may, at its option, by vote at such meeting pursuant to an appropriate article in the warrant calling the same, instruct the selectmen to appoint such road commissioner, in which case the selectmen shall appoint as heretofore, and except, further, that any town may, at its option, by vote at such meeting pursuant to an appropriate article in the warrant calling the same, fix the term of office of said road commissioner at a longer period, not to exceed three years. Any town may, at its option, elect not more than three road commissioners, or require their appointment as aforesaid, whose powers and duties shall be the same as prescribed for a single commissioner. Any

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road commissioner may be removed from office by the selectmen for inefficiency or other cause. Upon written complaint made against any road commissioner by ten taxable inhabitants of the town, the selectmen, after notice to such commissioner, shall hold a public hearing thereon within ten days from the filing of the complaint, and if the charges are sustained remove said commissioner forthwith. Selectmen may act as road commissioners. This section shall not apply to cities and towns which choose road commissioners under special acts of the legislature.

117 Me. 73.

Sec. 17. Vacancies in office of road commissioner. R. S. c. 4, § 17. 1919, c. 92, § 2. If a person elected or appointed as road commissioner fails to qualify within seven days after appointment, the office shall be deemed vacant, and shall be filled by the selectmen by appointment; and in the event of a vacancy caused by death or otherwise, the selectmen shall appoint some competent person to fill out the unexpired term, who shall qualify and perform the duties of said office. If after the choice of any officer not required to be chosen by ballot, there is a vacancy in any such office, the municipal officers may fill such vacancies by the written appointment of proper persons, who shall be summoned by the constable to appear and take the oath of office provided in section twenty-seven subject to the penalties provided in section twenty-eight. Such appointment and oath shall be recorded as in case of a choice by the town. No person shall be so appointed without his consent.

1 Me. 248; 39 Me. 530; 61 Me. 544; 62 Me. 459; 68 Me. 160; 72 Me. 517; 96 Me. 486; 115 Me. 112.

Sec. 18. Presiding officer in meeting. R. S. c. 4, § 18. During the election of moderator the clerk shall preside; when he is absent from any such meeting, either of the selectmen or of the assessors, and if neither of those is present, any constable may do all the duties of clerk in receiving and counting the votes for moderator. The moderator may call on the voters to give in their ballots for a clerk pro tempore, who shall be sworn by the moderator, or by a justice of the peace.

17 Me. 447.

Sec. 19. Clerk to be sworn; form of oath. R. S. c. 4, § 19. The town clerk, before entering on the duties of his office, shall be sworn before the moderator, or a justice of the peace, truly to record all votes passed in that and other town meetings during the ensuing year and until another clerk is chosen and sworn in his stead, and faithfully to discharge all the other duties of his office.

Sec. 20. Deputy town clerks, how appointed; their duties; municipal officers may appoint deputy clerk in certain cases; tenure of office; form of appointment; deputy clerk to be sworn. R. S. c. 4, § 20. The clerk of any town may appoint a citizen thereof his deputy, who may, in the clerk's absence, perform all the duties of said office with the same effect as if done by the clerk; the appointment may be made in writing as follows:

"I hereby appoint _____ to perform the duties of town clerk as set forth in section twenty, of chapter four, of the revised statutes, in the town of _____, during my absence from the clerk's office.

_____, Clerk of the town of _____."

In case of the clerk's absence, death, resignation, or removal from office, without having made such appointment, the municipal officers may appoint a citizen to fill said office, who shall perform all the duties of the clerk during his absence, or in case of his death, resignation, or removal from office, until a clerk is elected. The appointment may be made in writing, as follows:

"I (or we,) hereby appoint ——— to perform the duties of town clerk, in the town of ———, during the clerk's absence from his office, or until a clerk is elected. ———, clerk, or municipal officers, of the town of ———."

Said deputy, or person appointed by the municipal officers, shall be sworn faithfully to perform the duties of his office before he enters thereon.

The clerk may also appoint a *woman, otherwise qualified by the constitution*, [citizen thereof] who in his absence may so far act as deputy clerk as to receive and record chattel mortgages and other papers, and make certified copies of the records in the clerk's office.

See c. 104, § 2.
70 Me. 564.

Sec. 21. Treasurer to give bond; amount; office of treasurer vacant if bond not filed seasonably; vacancy; approval of bond and record; municipal officers may accept bond of a surety company, at expense of town. R. S. c. 4, § 21. The treasurer before entering upon the discharge of his official duties, shall give bond to the inhabitants of his town with such sureties and for such sum as shall be designated by the municipal officers, not exceeding, however, twice the amount of the taxes to be collected during the year for which he is treasurer, conditioned for the faithful discharge of all the duties and obligations of his office. If such bond is not furnished and delivered to the municipal officers, within ten days after written demand by the municipal officers on the treasurer therefor, the office of treasurer shall be deemed vacant, and the town or plantation, at any meeting of its inhabitants legally called, may elect a treasurer to fill the vacancy, or the municipal officers may fill the vacancy by written appointment which shall be recorded by the clerk in the town records. The municipal officers shall be the sole judges of the sufficiency of such bond and sureties. Such bond, after its approval and acceptance by the municipal officers, shall be recorded by the clerk, and such record shall be prima facie evidence of the contents of such bond, but a failure to so record shall be no defense in any action upon such bond. The municipal officers may accept any surety company authorized to do business in the state, as surety on such bond, and dispense with any further surety or sureties thereon. Any town or plantation may lawfully vote, at its annual meeting, to raise money to be expended by its treasurer, under the direction of the municipal officers, for the purpose of purchasing from any surety company authorized to do business as aforesaid, the bond required by this section.

*69 Me. 369.

Sec. 22. Deputy town treasurers, appointment. R. S. c. 4, § 22. The treasurer of any town or plantation may appoint a citizen thereof as his deputy during his temporary absence or other temporary disability. The appointment shall be in writing and be recorded. It may be in the form following:

"I, ———, hereby appoint ——— to perform the duties of town treasurer of the town of ———, during the treasurer's temporary absence from his office. ——— Treasurer."

Sec. 23. Treasurer responsible. R. S. c. 4, § 23. The treasurer and the sureties upon his official bond, are responsible for all acts and omissions of his deputy in such office.

Sec. 24. Treasurer to render account quarterly. R. S. c. 4, § 24. Every treasurer shall render an account of the finances of his town, and exhibit all books and accounts pertaining to his office, to the municipal officers thereof, or to any committee appointed by it to examine said accounts, when required;

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and such officers shall examine such treasurer's accounts as often as once in three months.

60 Me. 475; 70 Me. 439; 113 Me. 547.

Sec. 25. In case of vacancy, municipal officers may appoint treasurer. R. S. c. 4, § 25. In case of death, resignation, removal, or other permanent disability of a treasurer of a town or plantation, the municipal officers may appoint a citizen thereof to be treasurer until his successor is elected and qualified. Such appointment shall be in writing and be recorded. It may be in the form following:

"We, the municipal officers of the town of ———, hereby appoint ——— treasurer of said town until his successor is elected and qualified."

Sec. 26. Treasurer so appointed to be sworn and give bond. R. S. c. 4, § 26. Before such appointee enters upon his official duties he shall be sworn, and give bond to the town for the faithful performance thereof in such sum and with such sureties as the municipal officers order.

Sec. 27. Officers chosen, summoned to take their oath. R. S. c. 4, § 27. The town clerk or any two selectmen shall forthwith make a list of the names of all persons chosen into office, of whom an oath is required, and deliver it to a constable with a warrant to him directed; and he shall, within three days thereafter, summon each person therein named to appear before the town clerk, within seven days from the time of notice, to take such oath of office; and at the end of ten days after receiving his warrant, the constable shall return it or forfeit six dollars to the town; and the town shall allow him a reasonable compensation for his services.

Sec. 28. Penalty for refusing a town office. R. S. c. 4, § 28. Every person so notified, neglecting to take such oath within said seven days, except officers for whose neglect a different penalty is provided, forfeits five dollars, two-thirds to the town, and one-third to the prosecutor.

See c. 13, § 100; c. 34, § 6; 1 Me. 248.

Sec. 29. Town or parish officer, how sworn; record; clerk may record his own election; penalty for neglect. R. S. c. 4, § 29. Any town or parish officer may be sworn by the moderator in open town meeting, town or parish clerk, or by any person authorized by law, who shall give to the officer sworn, except when sworn in presence of such clerk, a certificate of the oath administered, which he shall return to such clerk to be filed. In either case the clerk shall record the name of the officer and of his office, by whom sworn, and the time of taking the oath and returning the certificate. Any town, school district, parish, or corporation clerk elected to any office and sworn, may record his own election, the fact that he was sworn, and when and by whom. The record herein required shall be sufficient evidence that such officer was sworn. If any officer fails to return such certificates or any clerk to record such oath within ten days, he forfeits five dollars.

See c. 126, § 23; 12 Me. 234; 17 Me. 444; 48 Me. 443; 58 Me. 518; 84 Me. 378;
*109 Me. 474.

Sec. 30. Vacancies in town offices; exceptions. R. S. c. 4, § 30. When by reason of non-acceptance, death, removal, insanity, or other incompetency of a person chosen to a town office, except *the office of auditor and of road commissioner*, [as provided in sections fifteen, seventeen, and twenty-five of this chapter,] there is a vacancy, or want of officers, the town may choose new officers; and they shall be sworn, if an oath is required, and have the same powers as if elected at the annual meeting. The meeting for choice of such

new officers may be called by the person or persons legally elected and qualified as selectman or selectmen although less than a full board.

See § 12; c. 13, §§ 90, 92, 101-7; c. 14, §§ 36, 38, 57; c. 22, § 101; 1 Me. 248; *96 Me. 485; 115 Me. 111.

Sec. 31. Reports by sworn officers not to be verified. R. S. c. 4, § 31. Town or municipal officers, who have been duly sworn to the faithful performance of their duty, shall not be required to make oath or affirm to any report, account, or statement to be filed with any of the state departments.

Sec. 32. Penalty for neglect of official duty. R. S. c. 4, § 32. Every town officer who neglects any duty lawfully required of him forfeits not exceeding twenty dollars for every such neglect, when no other penalty is provided, to be recovered in an action of debt in the name and to the use of the town, by the treasurer thereof.

Note. Penalty for misconduct of moderators, see § 37; c. 6, § 47; of town clerks, § 29, c. 6, § 47.

Penalties imposed upon municipal officers and town clerks for neglect of duties as to selection of jurors, c. 119, §§ 17-21; municipal officers and constables for neglect of duties as to mobs, c. 134, § 16; constables for not returning warrant to notify officers of election, § 28; for neglect of duties as to selection of jurors, c. 119, § 18; city officers for neglect as to registration of voters, c. 6, § 30; for neglect to provide armories, c. 18, § 52; for improper use of armories, § 74; c. 18, § 52.

City, town, and plantation officers for refusing to allow access to town books or reports, § 62; for neglect of duty as to registration of dogs, § 168; for improper use of sinking fund, § 83; for neglecting to attend perambulation of town lines, § 188; for refusing to be sworn, § 28; c. 13, §§ 100, 101, 107; c. 50, § 23; c. 52, § 13; for using improper ballot boxes and improperly receiving votes, c. 8, §§ 35, 107, 117; for illegal conduct relating to elections, c. 8, §§ 96, 100-125; for refusing to assess taxes, c. 13, §§ 94, 95, 96; for misapplication of certain fines, c. 24, § 4; for refusing to prosecute persons for sale of intoxicating liquors, c. 137, § 23; for not appointing sealer of weights and measures, c. 52, § 8; for neglect of soldiers' dependents, c. 159, § 12.

Town treasurers for wilfully withholding deeds of lands sold for taxes, c. 14, § 81; for neglect of duties as to weights and measures, c. 52, § 10.

Constables and collectors of taxes, for refusing to give receipts, c. 14, § 16; for neglecting to make exhibit to municipal officers once in two months, c. 14, § 35; for neglecting to pay over money collected, c. 14, § 37.

Fence viewers, c. 31, §§ 15, 17; fire wards, c. 34, § 6; auctioneers, c. 45, §§ 3, 4, 5. Municipal officers and fire engineers, for neglect of duty as to protection against fires, c. 34, § 44; for neglect to report or investigate fires, c. 34, § 57.

Road commissioner for neglect of duty, c. 27, § 75.

37 Me. 90.

Sec. 33. Moderator to be first chosen; his duties. R. S. c. 4, § 33. At every town meeting a moderator shall be first chosen and sworn by a justice of the peace, or by the person presiding at the meeting when he is chosen. Said moderator shall regulate the business of the meeting; and when a vote declared by him is, immediately after such declaration, questioned by seven or more, he shall make it certain by polling the voters, or in such other way as the meeting directs.

48 Me. 444; 56 Me. 390.

Sec. 34. Moderator to be obeyed. R. S. c. 4, § 34. No person shall speak in meeting before leave is obtained of the moderator, nor when any other person is speaking; and all shall be silent at the command of the moderator, or forfeit to the town one dollar for every breach of such order.

Sec. 35. His powers. R. S. c. 4, § 35. If any person, after notice from the moderator, persists in disorderly conduct, the moderator may direct him to withdraw from the meeting; and by his refusal he forfeits three dollars to the town; and the moderator may cause him to be removed from the meeting by a constable, and detained in confinement for three hours, unless the meeting is sooner dissolved or adjourned.

Sec. 36. Sections 1-35 inapplicable to state elections. R. S. c. 4, § 36. Town meetings for the choice of governor, senators, and representatives, shall be as the constitution directs; and the foregoing sections are not applicable to them.

Sec. 37. Folded votes not received; votes not to be examined. R. S. c. 4, § 37. The person presiding at a meeting for the choice of town officers, shall

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not receive any folded vote, or permit any person before the poll is closed, without consent of the voter, to examine his ballot, on penalty of twenty dollars.

Authority to Elect by Secret Ballot.

Sec. 38. Provisions to be accepted by town at legal meeting. 1921, c. 70, § 1. Any town in Maine may, at any legal meeting called by a warrant containing an article for the purpose, accept the provisions of sections thirty-eight to fifty-two inclusive of this chapter and when so accepted, all elections for town officers now required by law to be chosen by ballot, shall thereafter be in accordance with the provisions herein provided, except the moderator, who shall be chosen as now provided by law.

Sec. 39. At same meeting voters to determine what officers to be elected by ballot; changes, how made. 1921, c. 70, § 2. When any town so accepts the provisions of said sections thirty-eight to fifty-two inclusive it shall at the same time or meeting determine what officers, if any, not now required by law to be chosen by ballot, shall be chosen in the manner herein provided. All such matters shall be stated in the warrant calling such meeting. No change shall be thereafter made in the officers to be chosen by ballot or in the number or terms thereof except at a meeting held at least thirty days before any annual town election.

Sec. 40. Opening and closing of polls. 1921, c. 70, § 3. All warrants for town meetings for the election of officers as herein provided shall specify the time of opening the polls and the time when the same may be closed; but the polls shall be kept open at least four hours, and the method of voting shall be as in gubernatorial elections.

Sec. 41. Nomination of candidates, how made. 1921, c. 70, § 4. Nominations for candidates may be made at a caucus, or by nomination papers signed in the aggregate for each candidate by qualified voters of said town not less in number than one for every fifty voters, who have registered for the last preceding state election in said town; but the voters so signing shall in no case be less than twenty-five in number. Each voter signing such nomination paper shall add to his signature his place of residence with the street and number thereof, if any; and each voter may subscribe to as many nomination papers for each office as there are members to be elected thereto and no more.

Sec. 42. Certificates of caucus nominations. 1921, c. 70, § 5. All certificates of caucus nominations shall be signed by the chairman and secretary of the caucus. Such certificates and nomination papers shall, besides containing the names of candidates, specify as to each candidate the office for which he is nominated.

Sec. 43. Filing of certificates of nomination and nomination papers. 1921, c. 70, § 6. Certificates of nomination shall be filed with the town clerk of said town at least eight days previous to the day of election, and nomination papers shall be so filed at least six days previous to the day of election. The certificates of nomination and nomination papers being so filed, and being in conformity with the provisions of said sections thirty-eight to fifty-two inclusive, shall be deemed to be valid unless objection thereto is duly made in writing. Such objections or questions arising in the case of nominations shall be considered by the selectmen of said town, and the decision of a majority of the selectmen shall be final. In case such objection is made, notice shall forthwith be delivered to the candidates affected thereby. All certificates of nomination and nomination papers when filed shall be open under proper regulations to public inspection.

tion, and the town clerk shall preserve the same in his office for not less than one year.

Sec. 44. Form of ballots and by whom prepared; selectmen; number to be elected to be determined by voters; how their names shall be printed on the ballot; questions to be submitted to voters. 1921, c. 70, § 7. All ballots for use in such elections shall be prepared by the town clerk. Every general ballot, or ballot intended for the use of all voters, which shall be printed in accordance with the provisions of said sections thirty-eight to fifty-two inclusive, shall contain the names of all candidates whose nominations for any offices specified in the ballot have been duly made, and shall contain no other names. The names of candidates for each office shall be arranged under the designation of the office in alphabetical order according to surnames, but candidates for selectmen, assessors, and overseers of the poor respectively, shall be named and designated in the ballot in as many groups as the town shall by vote have determined there are to be individuals on any such board. Previous to balloting the voters may determine by majority whether to elect three, five, or seven selectmen, assessors, or overseers of the poor respectively. Without such determination three shall be elected. The three (or if so determined five or seven) having the largest number of votes shall be declared elected. There shall be left at the end of the list of candidates for each different office as many blank spaces as there are persons to be elected to such office, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote as candidate to such office. Whenever any question is submitted to the vote of the people of the town, in accordance with a statute providing for such submission, such question shall be printed upon the ballot after the list of candidates. The ballots shall be so printed as to give each voter a clear opportunity to designate by a cross mark (X) in a square at the right of the name and designation of each candidate, his choice of candidates and his answer to the question submitted, and in the ballot may be printed such words as will aid to voter to do this, as "vote for one," "vote for three," "yes," "no," and the like. Before distribution the ballots shall be so folded in marked creases as to measure when folded not less than four and one-half nor more than five inches in width and not less than six nor more than thirteen and one-half inches in length. On the back and outside, when folded, shall be printed "Official Ballot for the Town of _____," and the date of election, and the signature or facsimile of the signature of the town clerk.

Sec. 45. Town clerk to preserve record of number of ballots. 1921, c. 70, § 8. All ballots when printed shall be folded as hereinbefore provided and fastened together in convenient numbers in packages, books, or blocks, in such manner that each ballot may be detached and removed separately. A record of the number of ballots printed and furnished shall be kept and preserved by the town clerk.

Sec. 46. Number of ballots to be prepared. 1921, c. 70, § 9. There shall be provided for every such election such general ballots, of not less than seventy-five for each fifty and fraction of fifty registered voters therein.

Sec. 47. Town clerk to prepare cards of instruction and sample ballots. 1921, c. 70, § 10. The town clerk shall provide full instructions for the guidance of voters at such elections, as to obtaining ballots, as to the manner of marking them, and the method of obtaining assistance, and as to obtaining new ballots in place of those accidentally spoiled; and shall cause the same, together with copies of sections twenty, twenty-one, ninety-three, and ninety-four of chapter eight of the revised statutes and any amendments thereof, to be printed in clear

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type, on separate cards, to be called cards of instruction. He shall also cause to be printed on tinted paper, and without the endorsements, ten or more copies of the form of the ballot provided for such election, which shall be called specimen ballots, and shall be furnished with the other ballots provided therefor.

Sec. 48. Town clerk to post list of candidates four days prior to election. 1921, c. 70, § 11. At least four days prior to the election, the town clerk shall cause to be conspicuously posted in one or more public places a printed list containing the names and residences of all candidates to be voted for in such town, and any designation as provided in section forty-two, substantially in the form of a general ballot to be so used therein.

Sec. 49. Ballots, cards of instructions, etc., to be put up in sealed packages. 1921, c. 70, § 12. The ballots, together with the specimen ballots and cards of instruction printed by the town clerk as herein provided, shall be packed by him in sealed packages, with marks on the outside designating the number of ballots of each kind enclosed.

Sec. 50. Ballot clerks. 1921, c. 70, § 13. Before the opening of the polls the selectmen shall appoint the necessary number of ballot clerks, and in case of vacancies after the opening of the polls the moderator shall fill the same. The ballot clerks shall be sworn and have charge of the ballots and shall furnish them to the voters in the manner hereinafter provided.

Sec. 51. Delivery of ballots at polling places; not to be delivered until moderator is chosen; ballot clerks to be furnished with duplicate check list. 1921, c. 70, § 14. The town clerk shall, before the opening of the polls on the day of election, deliver the ballots to the ballot clerks, who shall receipt therefor, which receipt shall be kept in the clerk's office. Before the opening of the polls the town clerk shall cause the cards of instructions to be posted at or in each voting shelf or compartment provided for the marking of the ballots, and not less than three such cards and not less than five specimen ballots to be posted in or about the polling room, outside the guard rails. No ballots prepared under said sections thirty-eight to fifty-four inclusive shall be delivered to voters until the moderator shall have been chosen in the manner now provided by law. A duplicate list of the qualified voters shall be prepared for the use of the ballot clerks, and all provisions of law relative to the preparation, furnishing, use, and preservation of check lists shall apply to such duplicate lists.

Sec. 52. Officers to be elected by plurality vote; procedure in case of a tie. 1921, c. 70, § 15. All officers voted for in the manner as provided in sections thirty-eight to fifty-two inclusive of this chapter shall be elected by a plurality vote. In case of failure to elect any officer or officers so voted for by reason of a tie vote, the meeting shall be adjourned to a day certain, when such officer or officers shall be chosen as herein provided.

Wards of Cities. Election of City Officers.

Sec. 53. Wards in cities, change or alteration in limits of, how made. R. S. c. 4, § 38. No change made by the city council, in the limits of any city ward, shall be valid unless it is approved by a majority of the legal votes cast at the election of city officers, held next after such action of said council; and warrants for such ward meetings shall contain an article for that purpose.

Sec. 54. Election of assessors and subordinate officers; term. R. S. c. 4, § 39. The assessors and subordinate officers of cities, when their charters do not otherwise provide, shall be chosen on the second Monday of March, annu-

ally, or as soon after as practicable, and hold their offices one year therefrom, and until others are chosen and qualified in their places.

67 Me. 62-3; *78 Me. 279.

Sec. 55. Additional assistant assessors in cities. 1921, c. 128, § 1. In addition to the number of assistant assessors elected or appointed under provisions of any city charter, the municipal officers of cities may authorize assessors of their respective cities to appoint such number of assistant assessors as public exigency requires. The employment of such assistant assessors shall not extend beyond the period of the municipal year during which they are appointed.

Sec. 56. Vacancies in office of constable in cities, how filled. 1927, c. 79. If in any city a vacancy occurs in the office of constable, either through the failure of a duly elected or appointed constable to qualify by filing his bond within thirty days after his election or appointment, or through the death, resignation, or removal of a qualified constable, or through the failure of any ward or precinct to elect its allotted number of constables, the municipal officers may fill such vacancy by appointing a constable whose term of office shall expire at the same time as it would if he had been elected at the preceding annual city election.

Sec. 57. Wardens and clerks in cities, how elected; term. R. S. c. 4, § 40. At the annual election for the choice of mayor and aldermen in cities, the electors, in each ward shall, by written ballot, elect a warden and clerk, who shall enter on their duties on the Monday following their election, and hold their offices one year therefrom, and until others are chosen and qualified in their places.

*71 Me. 387.

Sec. 58. Mayor has casting vote in change of officers; appointees of mayor and aldermen, removal. R. S. c. 4, § 41. In the election of any city officers by ballot in the board of aldermen or in convention of the aldermen and common council, in which the mayor has a right to give a casting vote, if two candidates have each half of the ballots cast, he shall determine and declare which of them is elected. Whenever appointments to office are directed or authorized to be made by the mayor and aldermen of cities, they may be made by the mayor with the consent of the aldermen, and such officers may be removed by the mayor.

79 Me. 81; 89 Me. 451.

Certain Duties of Municipal Officers.

Sec. 59. Town officers not to act when pecuniarily interested. R. S. c. 4, § 42. No member of a city government or selectmen of a town, shall in either board of such government, or in any board of selectmen, vote on any question in which he is pecuniarily interested directly or indirectly, and in which his vote may be decisive; and no action of such government or board taken by means of such vote is legal.

*73 Me. 58.

Sec. 60. Interests in municipal contracts prohibited. R. S. c. 4, § 43. No member of a city government shall be interested, directly or indirectly, in any contract entered into by such government while he is a member thereof; and contracts made in violation hereof are void.

68 Me. 149, 325; 88 Me. 41; 98 Me. 427; 108 Me. 549; 113 Me. 322; *117 Me. 297.

Sec. 61. Enforcement of sections 59 and 60. R. S. c. 4, § 44. The supreme judicial court in equity, by writ of injunction or otherwise, may restrain pro-

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ceedings in any town in violation of the two preceding sections, upon application of ten or more taxable citizens.

See c. 90, § 69, xiii.

Sec. 62. Selectmen and treasurer to make reports; printed reports to be distributed before annual meeting; all town books to be open for public inspection; penalty for refusal or neglect. R. S. c. 4, § 45. Persons charged with the expenditure of the money of a town, shall, on or before the morning of each annual meeting, make a full, detailed written or printed report of all their financial transactions in behalf of the town during the municipal year immediately preceding, with a full account of the receipts and disbursements during that period, and to whom and for what purpose each item of the same was paid, with a statement in detail of the indebtedness and resources of the town; including a list of all unpaid taxes which have been committed to the treasurer or collector for collection, giving the names of all delinquent taxpayers and the amount due from each. Such reports, or like reports of town auditors, if printed, shall be distributed to the voters on or before the morning of the annual meeting, or, if not printed, shall be presented and read in open town meeting before the election of selectmen, and, whether written or printed, shall be kept deposited in the office of the selectmen, or if they have no office or usual place of business, with the town clerk, with proper vouchers for the disbursements reported, where such reports and vouchers, and all the books of the town shall be open during the usual hours of business, to the inspection of voters; and if any town officer refuses or neglects to perform any requirement of this section, or refuses to allow any voter to examine such reports, vouchers, and town books, he shall be punished by a fine of fifty dollars for each refusal or neglect.

See c. 4, § 15; 118 Me. 365.

Sec. 63. Assessors to keep a record of persons moving into and from towns and plantations. R. S. c. 4, § 46. Towns and plantations may at any regular meeting, by a vote thereof, require their assessors of taxes to keep a record, with the date thereof as near as practicable, of all persons moving into and from their respective towns and plantations during each year, and on the first day of May make a return of the same to the clerk thereof, who shall record the same in a book to be kept for such purpose, and shall furnish copies of such records upon payment of a reasonable fee.

Sec. 64. Notice of election of town treasurer. R. S. c. 4, § 47. When a town treasurer is elected and qualified, the clerk shall communicate his name to the treasurer of state and the state auditor; and no city, town, or plantation shall receive any money from the treasurer of state until the name of its treasurer has been so communicated.

Preservation of Records.

Sec. 65. Cities and town to provide safes and vaults. R. S. c. 4, § 48. Cities and towns of more than thirteen hundred inhabitants shall provide fire proof safes or vaults of ample size for the reception and preservation of all completed books of record and registry belonging thereto; upon the completion of any such book of record and registry, the clerk of the city or town shall deposit the same in such safe or vault, and such books shall be kept in such safe or vault, except when required for use.

Sec. 66. Clerks to make return to supreme judicial court of books of record and registry. R. S. c. 4, § 49. The clerks of all cities and towns shall, in the month of December in each year, make a return to the clerks of the supreme

judicial courts in the several counties, showing the number and nature of such books of record and registry as are in their custody, and where they are kept and deposited; said return shall also show where the books of the municipal officers and treasurer are kept and deposited.

Sec. 67. Penalty for neglect of section 66. R. S. c. 4, § 50. Any city or town which neglects to perform the duties prescribed by section sixty-five shall forfeit for each month so neglecting, the sum of ten dollars, one-half to the complainant and one-half to the county in which such city or town is located.

Burial of Honorably Discharged Soldiers and Sailors.

Sec. 68. State to pay burial expenses of destitute soldiers and sailors and their widows. R. S. c. 4, § 51. 1917, c. 59, § 1. 1919, c. 97. 1921, c. 130. Whenever any person who has served in the army, navy, or marine corps of the United States and was honorably discharged therefrom, shall die, being at the time of his death a resident of this state and in destitute circumstances, the state shall pay the necessary expenses of his burial; or whenever the widow of any person who served in the army, navy, or marine corps of the United States and was honorably discharged therefrom shall die, being at the time of her death a resident of this state and being in destitute circumstances and having no kindred living within this state and of sufficient ability legally liable for her support, the state shall pay the necessary expenses of her burial; such expenses shall not exceed the sum of one hundred dollars in any case, and the burial shall be in some cemetery not used exclusively for the burial of the pauper dead.

93 Me. 101.

Sec. 69. Cities and towns to pay such expenses and to be reimbursed by state; such person not to be constituted a pauper. R. S. c. 4, § 52. 1917, c. 59, § 2. 1919, c. 114. The municipal officers of the city or town in which such deceased resided at the time of his death, shall pay the expenses of his burial, and if he die in an unincorporated place, the town charged with the support of paupers in such unincorporated place, shall pay such expenses, and in either case upon satisfactory proof by such town or city to the governor and council of the fact of such death and payment, the governor shall authorize the treasurer of state to refund said town or city the amount so paid, provided, however, that the person whose burial expenses are paid in accordance with the provisions of this section and the preceding section shall not be constituted a pauper thereby; said proof shall contain a certificate from the adjutant general of the state to the effect that such person was an honorably discharged soldier or sailor, or the widow of an honorably discharged soldier or sailor.

93 Me. 101.

Sec. 70. Appropriations. R. S. c. 4, § 53. The legislature shall from time to time, appropriate the necessary sum of money for the purpose of carrying out the provisions of the two preceding sections.

Armories.

Sec. 71. Armories to be provided by cities and towns; also places for parade; rent to be allowed by state. R. S. c. 4, § 54. Municipal officers shall provide for each company of volunteer militia within their towns a suitable armory or place of deposit for the arms, equipments, and equipage, furnished by the state. They shall also provide a suitable room for the safe keeping of books, the transaction of business, and the instruction of officers for each regiment

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or separate battalion of such militia located within their towns, and suitable places for their parade, target practice, and drill. A reasonable compensation for rent of such armory, headquarters, or place of deposit, not exceeding one hundred dollars a year, may be allowed from the state treasury to the town or city so furnishing such armory, headquarters, or place of deposit.

See c. 18, §§ 90-94.

Sec. 72. Construction of armories. Conditions under which state aid may be procured. 1919, c. 239, § 1. Any city or town may procure state aid for the construction of an armory within its limits upon compliance with the following terms and conditions:

(a) The municipal officers of any city or town having one or more organizations of the national guard or naval militia located therein or who desire to form such organizations within its limits may notify the armory commission in writing of their desire and intention to erect an armory and shall designate and furnish a plot of ground suitable and sufficient for an armory.

(b) If the armory commission shall decide that the location is suitable for an armory and that the locality is such that a military or naval organization can be formed and maintained within its limits in accordance with the requirements of the military law and the regulations of the War Department, the armory commission shall so notify the municipal officers of the town or city, and the armory commission shall, after the city or town has acquired good and sufficient title to such plot of ground, furnish to the city or town plans and specifications for an armory adapted to the locality. The municipal officers shall, under the supervision and subject to the approval of the armory commission, let contracts for the construction of the armory in accordance with the plans and specifications furnished by the armory commission.

(c) The municipal officers of the town or city shall at all times keep the armory commission fully advised as to the condition of the work and degree of progress toward the armory, and shall furnish the armory commission every opportunity for inspection and investigation which the armory commission shall require, and shall make any alterations in the plans or specifications which the armory commission may request.

(d) The inspector to certify the progress, performance, and completion of the contracts in accordance with the plans and specifications of the armory commission shall be selected by the municipal officers of the city or town and approved by the armory commission.

Sec. 73. Reimbursement by state. 1919, c. 239, § 2. Any city or town constructing an armory in compliance with terms of this act shall be reimbursed by the state, out of any moneys in the treasury not otherwise appropriated, to an amount equal to one-half of the cost of constructing such armory building. But the reimbursement aforesaid is not to exceed a total of fifty thousand dollars to any one city or town, and shall be made in installments in the following manner and amounts: When and as each payment falls due and is payable from the city or town for work performed and material furnished in accordance with the contract provided for in the preceding section, such city or town shall be entitled to receive from the state treasury a sum equal to one-half of such installment then due and payable from the city or town to the contractor; provided, however, that the armory commission shall have certified in writing to the state treasurer that such installment is justly due and payable from the city or town for work performed and material furnished in conformity to the aforesaid contract; provided also that the city or town shall have deposited with the state treasurer a recorded deed conveying to the state a good and

sufficient title to the armory lot and building; and provided further that not more than three such armories shall be erected during the two-year term of any legislature.

Sec. 74. Armories constructed under two preceding sections to be for exclusive use of national guard. Exceptions. 1921, c. 123. All armories erected under the provisions of the two preceding sections shall be subject to the provisions of section fifty-two of chapter eighteen; but nothing herein contained shall be construed to prevent the use of any armory erected under the provisions of said two preceding sections for such other purposes, not interfering with its use for military purposes, as the municipal officers may authorize.

Street Coasting.

Sec. 75. Streets, roads, or sidewalks may be designated for coasting. R. S. c. 4, § 55. Municipal officers may designate public streets, roads, or sidewalks whereon no person shall slide with any vehicle under a penalty not exceeding five dollars and the forfeiture of the vehicle, to be recovered on complaint to the use of the town where the offense is committed.

Sec. 76. Record of such designation to be made. R. S. c. 4, § 56. When streets, roads or sidewalks have been so designated, the municipal officers shall cause such designation to be recorded in the records of the town, and their action shall be in force until modified or annulled by like authority; police officers and constables shall enforce the preceding section.

Authority to Raise Money and to Hold Money in Trust.

Sec. 77. Purposes for which money may be raised. R. S. c. 4, § 57. The voters, at a legal town meeting, may raise the necessary sums for the support of schools and the poor; making and repairing highways, town ways, and bridges; and sprinkling streets; acquiring by purchase or otherwise suitable sites, or suitable sites and buildings, or erecting buildings for free public libraries; purchasing and fencing burying-grounds; maintaining private burying-grounds established before eighteen hundred eighty; purchasing or building and repairing a hearse and hearse-house for the exclusive use of its citizens; and for other necessary town charges.

3 Me. 91, *195; *14 Me. 378; 20 Me. 182; *51 Me. 176; *52 Me. 597; 54 Me. 250; *63 Me. 236; 72 Me. 354, *522; 82 Me. 44.

For providing armories, drill rooms, and target ranges, c. 18, §§ 52-55; see c. 19, §§ 16, 25-27, 90, 92; c. 27, § 86; c. 28, § 18; c. 32, § 11.

As to power to aid in construction of railroads, see c. 62, §§ 41-46.

Sec. 78. Other purposes for which cities and towns may raise money. R. S. c. 4, § 58. 1919, c. 138. 1923, c. 101. 1925, c. 129. 1925, c. 140. Cities and towns may raise money to procure the writing and publication of their histories, to celebrate any centennial or other anniversary of the settlement or incorporation of such city or town, and to publish the proceedings of any such celebration; to defray the expenses of the observance of memorial day, armistice day, or any other day set apart for patriotic commemoration, firemen's memorial Sunday, and of old home week; to hire a public nurse, to subsidize a physician to induce him or her to settle in said town; and a sum not exceeding five thousand dollars in any one town for erecting a suitable monument or memorial in memory of the soldiers and sailors who sacrificed their lives in defence of their country in the war of eighteen hundred and sixty-one, or in the world war, and a reasonable sum to secure, grade, and care for a lot appro-

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prate for such a monument or memorial. They may also raise money to be expended for exterminating or controlling brown tail and gipsy moths and other insect pests.

C. 42, § 10; 59 Me. 494.

Sec. 79. Cities and towns may raise money to maintain band. 1927, c. 24. Cities and towns may raise money for the maintenance or employment of a band of music for municipal purposes and public celebrations. The provisions of this act shall not be in force in any city or town unless approved by a majority vote of the qualified voters of such city or town at an annual election.

Sec. 80. Cities, towns, and plantations to decorate graves of soldiers and sailors. 1917, c. 57. Each and every city, town, and plantation by its town or plantation officers, is hereby required to decorate the graves of veterans (soldiers and sailors) with an American flag and such other floral decorations as in the opinion of said town, city, or plantation officers shall be deemed advisable, on Decoration Day, May thirtieth of each year. Each and every said city, town, and plantation is hereby empowered to raise by taxation a sufficient amount of money to pay for said American flags and other floral decorations above mentioned.

Sec. 81. Appropriation for advertising. R. S. c. 4, § 59. 1917, c. 87. 1925, c. 102. Any city or town may appropriate any sum, not exceeding one mill on a dollar, based on the valuation of the preceding year, to be expended and used for advertising the natural resources, advantages, and attractions of the state or such city or town.

Sec. 82. Towns may create sinking fund; investment of same; withdrawal of securities. R. S. c. 4, § 60. 1917, c. 251. Any city or town which has a funded indebtedness may create a sinking fund for the payment and redemption of such indebtedness, may raise money by taxation for such purpose, and is restricted to and may hereafter invest such sinking fund in its own bonds, in the public funds of the United States and of any of the New England states and the state of New York, and in the bonds of the counties, cities, and towns of this state, and in the bonds and obligations of any municipal or quasi-municipal corporation of this state, when such securities are a direct obligation on all the taxable property of said corporation; provided that this section shall not be construed to require any change of investments heretofore made. But when the indebtedness for payment of which such sinking fund is created is refunded or paid by such city or town by a new loan, any stocks, bonds, or securities in said sinking fund, other than its own bonds, may be withdrawn therefrom and shall not be regarded as pledged for payment of the new loan unless afterward returned to the sinking fund.

Sec. 83. How funds may be used; penalty for misuse. R. S. c. 4, § 61. Such sinking fund shall be used for no other purposes than those provided for in the preceding section, and any town officer who shall use or appropriate the moneys or securities which compose such sinking fund in any other manner or for any other purpose, than above provided, shall be punished by fine not exceeding two thousand dollars or by imprisonment for not more than two years.

Sec. 84. Cities and towns may refund indebtedness; temporary loan; securities, when due and payable. R. S. c. 4, § 62. 1921, c. 48. Cities and towns may issue and negotiate their notes, bonds, or scrip for refunding or paying in whole or in part, any indebtedness thereof, which has or may hereafter become due, and for any purpose for which the city or town can raise money

or incur debt, and may issue and negotiate their notes, to an amount which shall not exceed in the aggregate the total tax levy of the preceding municipal year, for temporary loans to be paid during the year in which they were made, out of the money raised during such current year by taxes, provided that the vote authorizing such notes states that they are to be paid out of money so raised. If a city or town votes to issue bonds, notes, or certificates of indebtedness in accordance with the provisions of law, the officers authorized to issue the same may, in the name of such city or town, make a temporary loan for a period of not more than one year in anticipation of the money to be derived from the sale of such bonds, notes, or certificates of indebtedness and may issue notes therefor; but the time within which such securities shall become due and payable shall not be extended by reason of the making of such temporary loan beyond the time fixed in the vote authorizing the issue of such bonds, notes, or certificates of indebtedness; and notes issued under the provisions of this section for a shorter period than one year may be refunded by the issue of other notes maturing within the required period; provided, however, that the period from the date of issue of the original loan and the date of maturity of the refunding loan shall be not more than one year; and provided, further, that no notes shall be refunded under the provisions of this section except under the authority of such vote as is required for the original borrowing.

Issue of bonds payable in instalments, c. 55, § 105; property of inhabitants may be taken to pay debts, c. 55, § 104.

Sec. 85. Municipal corporations may contract for water, gas, and electric light. R. S. c. 4, § 63. Municipal corporations may contract for a supply of water, gas, and electric light for municipal uses for a term of years upon such terms as may be mutually agreed, from time to time renew the same, and may raise money therefor. All such contracts made prior to the twenty-eighth day of April, nineteen hundred and three are confirmed and made valid.

*104 Me. 226; 118 Me. 373, 390, 461.

Sec. 86. Fuel yards. R. S. c. 4, § 64. Any city or town may establish and maintain, within its limits, a permanent wood, coal, and fuel yard, for the purpose of selling, at cost, wood, coal, and fuel to its inhabitants. The term "at cost," as used herein, shall be construed as meaning without financial profit.

*111 Me. 488; 113 Me. 124.

Sec. 87.—Towns may raise money for propagation of fish. R. S. c. 4, § 65. Towns may raise by a two-thirds vote at their annual meeting, a sum not exceeding five hundred dollars, to be expended by the municipal officers thereof or by a commissioner elected by the towns for the propagation and protection of fish in public waters located wholly or partially within their respective limits. A report of the expenditure thereof shall be made at the next annual meeting by the officer or officers authorized to expend such appropriation.

See c. 1, § 6, ¶ xix; c. 37, § 11.

Sec. 88. Doings of towns in suppression of the rebellion made valid. R. S. c. 4, § 66. The past acts of towns, in offering, paying, and contracting to pay, and in raising and providing means to pay expenses for recruiting for their several quotas, or bounties to or for volunteers, drafted men or substitutes of drafted men, or enrolled men, mustered into or enlisted for the military or naval service of the United States, are valid, provided, that such acts have been done at meetings legally called and held in pursuance of warrants therefor, setting forth the purposes upon which such acts were based. All taxes assessed, contracts made, and notes and orders given by municipal officers in pursuance of votes passed at such meetings, are valid.

*51 Me. 610; *52 Me. 596; 53 Me. 450, 576; 56 Me. 202, 451; *59 Me. 316-17, 548; 60 Me. 122; 69 Me. 41, 55; 75 Me. 74.

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Sec. 89. War contracts valid. R. S. c. 4, § 67. Contracts made in pursuance of votes passed at such meetings by such municipal officers or their agents, with any volunteer, drafted man, or substitute, or with third persons, or associations, for providing means to pay bounties to volunteers, drafted men or substitutes, are valid.

*59 Me. 548; 60 Me. 122; 69 Me. 41, 56.

Sec. 90. Unauthorized war contracts may be ratified. R. S. c. 4, § 68. Contracts heretofore made by such municipal officers, or by third persons, for any town, without previous authority, to pay bounties to or for volunteers, drafted men, or substitutes, in or enlisted for the military or naval service of the United States, may be ratified by any town at a legal meeting, called and notified as provided in section eighty-eight.

55 Me. 14, 196; 69 Me. 55; 75 Me. 74.

Sec. 91. Municipal officers authorized to call meetings to accept legacies and gifts; notice. R. S. c. 4, § 69. Whenever the municipal officers of any city or town are notified in writing by the executors of any will, or by the trustees created by virtue of the terms thereof, that a devise or bequest in behalf of said city or town has been made upon conditions contained in said will, or by any individual, that he intends to make a conditional gift, in behalf of said city or town, the municipal officers of said city or town shall, within sixty days after said notice to them, call a legal meeting of the inhabitants of said city or town qualified to vote upon city or town affairs; provided, however, that in cities the acceptance of such devise, bequest, or conditional gift may be by vote of the city council, instead of by the inhabitants at a special election, if the municipal officers so direct. The municipal officers shall give public notice in their warrants, of the objects of said meeting of the inhabitants, and such other notice as they may deem proper. At such meeting, the said inhabitants, or the city council at a regular meeting, or at a special meeting called for that purpose, shall vote upon the acceptance of said devise or bequest or conditional gift, and if a majority of the legal voters, or of the members of the city council, present, then and there vote to accept said devise or bequest or conditional gift, in accordance with the terms contained in said will, and upon the conditions made by the testator or by said individual, said municipal officers of said city or town, shall forthwith notify said executors or trustees or individual, in writing, of said acceptance by said city or town aforesaid, or the non-acceptance thereof.

105 Me. 374; 110 Me. 526.

Sec. 92. Cities and towns may raise money to carry into effect terms of will or gift; to apply only to gifts, etc., for certain purposes. R. S. c. 4, § 70. Whenever the executors or trustees, under any will have fully discharged their duties respecting the payment, delivery, or otherwise, of any devise or bequest to said city or town, or any such individual has made such contemplated conditional gift to said city or town, and said city or town has accepted said devise or bequest or conditional gift, in accordance with the conditions thereto attached, as set forth in the preceding section, then said city or town shall perpetually comply with, and strictly maintain and keep all the conditions and terms upon which said devise or bequest or conditional gift was made; and any city or town so accepting said devise or bequest, or conditional gift and receiving the same, or enjoying the benefits therefrom, may raise money to carry into effect the requirements and terms upon which said devise or bequest or conditional gift was so accepted and received. The provisions of this and the preceding section shall apply only to devises and bequests and gifts, devised and bequeathed or given to cities and towns for educational, benevolent, and charitable purposes

and objects, or for the care, protection, repair and improvement of cemeteries owned by said cities or towns, or of cemetery lots owned by individuals.

See c. 24, § 18; 105 Me. 374.

Sec. 93. Towns may receive money in trust. R. S. c. 4, § 71. Any city or town may receive money by donation or legacy in trust for benevolent, religious or educational purposes, for the erection and maintenance of monuments, and for the benefit of public cemeteries and lots therein; provided, that the city or town lawfully consents.

See c. 24, §§ 13-18; c. 5, § 24; 85 Me. 132, 511; 105 Me. 374.

Sec. 94. Investment of trust funds. R. S. c. 4, § 72. 1923, cc. 170, 222, § 1. City and town officers and officers of quasi municipal corporations shall hereafter invest all permanent funds including sinking funds, permanent school funds, and money or credits deposited with them for perpetual care of lots in cemeteries, in the legal obligations of the United States of America; the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and Pennsylvania, and the bonds of the several counties, cities, and towns in the several states above named which are the direct obligation of said counties, cities, and towns, or may deposit the same on time deposit in banks or trust companies, organized under the laws of this state, and not otherwise; and unless otherwise specifically provided by the terms of the grant or bequest the annual income, only, shall be expended in performance of the requirements of the trust.

Note. P. L. 1923, c. 222 purports to repeal so much of R. S. 1916, c. 4, § 72 (reference by mistake made to c. 2, § 72) as is inconsistent. It seems, however, to be wholly inconsistent with the power to use trust funds as previously exercised by municipalities. Consequently it is thought best to omit § 72 entirely and replace it by P. L. 1923, § 222.

Sec. 95. Fund applied according to directions of donor. R. S. c. 4, § 73. The city or town, by its officers or agents, shall apply the fund or its income in accordance with the written directions of the donor or testator, made known at the time when the fund was accepted. If the city or town fails to apply the fund or its income at the times and for the purposes prescribed in said directions, it reverts to the donor, if living; otherwise, to his heirs.

105 Me. 374

Accounting System for Cities, Towns, and Village Corporations.

Sec. 96. Cities, towns, and village corporations may have accounts audited by state auditor, or have accounting system installed. 1923, c. 161, § 1. Any city, town, or village corporation in the state may petition the state auditor for an audit of its accounts or for an installation of an accounting system, and the auditor, as soon as possible after the receipt of such petition, shall cause such an audit to be made or system of accounts to be installed. Any city, town, or village corporation at a meeting legally called therefor, after such accounting system has been installed, may petition for subsequent audits, or may by ordinance or resolution provide for subsequent audits under the supervision of the state auditor, who shall cause such audits to be made. The selectmen or assessors may petition said auditor for an audit of the town or village corporation accounts when in their opinion the condition of the accounts is such as to warrant the making of such audit, and said auditor, as soon as possible after the receipt of such petition, shall cause such audit to be made.

Sec. 97. State auditor to cause an audit or installation of accounting system in cities. 1923, c. 161, § 2. Any city may, by vote of its city council, petition the auditor for an audit of its accounts or for the installation of an accounting

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system, and said auditor as soon as possible after the receipt of such petition, shall cause such audit to be made or accounting system installed.

Sec. 98. Accounting system installed to be subject to state auditor's approval; books, forms, and supplies may be supplied by state auditor. 1923, c. 161, § 3. The accounting systems installed in accordance with this chapter shall be such as will, in the judgment of the auditor, be most effective in securing uniformity of classification in the accounts of such cities, towns or village corporations. The auditor may supply approximately at cost to cities, towns, and village corporations where such accounting systems have been installed such books, forms, or other supplies as may be required from time to time after the original installation of such systems.

Sec. 99. Report of audit to be rendered to municipal officers. 1923, c. 161, § 4. Upon the completion of an audit under sections ninety-six and ninety-seven of this chapter, the auditor shall render a report to the municipal officers, embodying the results of his findings, with such suggestions as he may deem advisable for the proper administration of the city, town, or village corporation.

Sec. 100. Expenses to be paid by state in first instance, and amounts assessed by towns and paid into state treasury. 1923, c. 161, § 5. The expenses incurred under sections ninety-six to ninety-nine inclusive, shall be paid in the first instance by the state; and the treasurer of state shall issue his warrant requiring the assessors of the cities, towns, and village corporations concerned to assess a tax to the amount of said expense, and such amounts shall be collected and paid to the treasurer of state in the same manner and subject to the same penalties as state taxes. Any balance due shall be assessed in the succeeding year in the same manner as other state taxes.

Sec. 101. State auditor to furnish municipal assessors schedules for uniform returns; he may prescribe forms; to collect information pertaining to municipal affairs. 1923, c. 161, § 6. The state auditor shall annually furnish to the auditor or other accounting officer of each city, town, or village corporation availing itself of the benefits of this act schedules so arranged as to provide for uniform returns giving detailed statements of all receipts classified by sources, and all payments classified by objects, for its last fiscal year; a statement of the public debt showing the purpose for which each item of the debt was created and the provision made for the payment thereof; and a statement of assets and liabilities at the close of the fiscal year. The state auditor may in all cases where cities, towns and village corporations may avail themselves of the benefits of this act prescribe standard forms intended to promote the systematic accounting of financial transactions and the publication of same in the report of the city, town or village corporation. He shall collect from the proper local authorities such other information pertaining to municipal affairs as in his judgment may be of public interest.

Sec. 102. State auditor to investigate systems of municipal accounting. 1923, c. 161, § 7. The state auditor shall inquire into the systems of accounting of public funds in all cities, towns, and village corporations and it shall be the duty of all municipal officers to furnish information relative thereto on such forms as he may prescribe.

Sec. 103. Statistics of financial affairs of municipalities to be published by state auditor. 1923, c. 161, § 8. The state auditor shall publish biennially statistics relative to the financial affairs of cities, towns, and village corporations and other information of public interest pertaining to municipal affairs, said part of his report to be printed and distributed as a separate document, if he believes it to be advisable.

Sec. 104. Necessary clerical assistants and examiners to be employed. 1923, c. 161, § 9. The state auditor shall employ necessary clerical assistants and one or more examiners as may be necessary to carry on the work provided for in sections ninety-six to one hundred five inclusive of this chapter.

Sec. 105. Attendance of witnesses and production of books and documents required. 1923, c. 161, § 10. The state auditor may require the attendance of witnesses and the production of books and documents and may examine witnesses under oath in all matters arising under the provisions of sections ninety-six to one hundred five inclusive of this chapter.

Public Parks, Squares, Playgrounds, and Shade Trees.

Sec. 106. Towns and cities may choose park commissioners. R. S. c. 4, § 84. Cities and towns may choose by ballot, three park commissioners, to hold office one, two, and three years, respectively, and after the first year choose annually a commissioner for three years in place of the one whose term expires; they shall have the care and superintendence of the public parks and direct the expenditure of all moneys appropriated for the improvement of the same.

Sec. 107. Towns may receive devises and gifts for public parks and playgrounds. R. S. c. 4, § 85. Any town, as such, may receive, hold, and manage devises, bequests, or gifts for the establishment, increase, or maintenance of public parks and playgrounds in such town; and may accept by vote of the legal voters thereof any land in such town to be used as a public park or playground, or both combined. When any plantation is incorporated into a town, such gifts and the proceeds thereof fully vest in such town.

Sec. 108. Village corporations may hold land for park purposes. R. S. c. 4, § 86. Village corporations chartered by the legislature may take and hold lands by devise or gift, in trust for playground or park purposes, and may expend not exceeding ten per cent of the money apportioned such village corporation, under its charter, for the improvement and care of such land.

Sec. 109. Land taken for parks, squares, public libraries, and playgrounds. R. S. c. 4, § 87. 1925, c. 97. Any city or town containing more than one thousand inhabitants, upon petition in writing signed by at least thirty of its tax-paying citizens, directed to the municipal officers, describing the land to be taken as hereinafter provided, and the names of the owners thereof so far as they are known, may, at a meeting of such town, or the city council, direct such municipal officers to take suitable lands for public parks, squares, playgrounds, buildings for municipal purposes, or a public library building; and thereupon such officers may take such land for such purposes, but not without consent of the owner, if at the time of filing such petition, with such officers, or in the office of the clerk of such town or city, such land is occupied by a dwelling-house wherein the owner or his family reside.

*102 Me. 341; 103 Me. 436; *105 Me. 418, 578.

Sec. 110. Proceedings by municipal officers. R. S. c. 4, § 88. Whenever the municipal officers of such city or town are directed to take land as provided in the preceding section, they shall, within ten days, give written notice of their intention to take such land, describing the same, and the time and place of hearing, by posting the same in two public places in the town where the land lies, and in the vicinity thereof, and by publishing the same in a newspaper printed in such city or town, seven days before the day of such hearing, if any, otherwise, in a newspaper printed in the county where the land lies, three weeks successively, the last publication to be seven days before such hearing. The municipal officers shall meet at the time and place specified in the notice, view

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the land to be taken, hear all parties interested, and if they decide that the land is suitable for the purpose, they shall take the same and estimate the damages to be paid to each owner, so far as known, and make return of their doings in writing, signed by a majority of them, which return shall describe by metes and bounds the land so taken, and state the purpose for which it is taken, the names of the owners, so far as known, and the amount of damages awarded to each. The return shall be filed, and recorded in the clerk's office of such city or town, and a copy thereof, certified by such clerk, shall be recorded in the registry of deeds for said county.

103 Me. 436; 105 Me. 418, *578.

Sec. 111. Appeal from estimate of damages; damages, how paid. R. S. c. 4, § 89. Any person aggrieved by the estimate of damages may have them determined by written complaint to the supreme judicial court in the manner provided respecting damages for the establishment of town ways. When such damages are finally determined, they shall be certified to the clerk of such city or town, and paid by the treasurer thereof.

See c. 27, § 20; 98 Me. 131; *103 Me. 436; 105 Me. 418, 578; 106 Me. 147.

Sec. 112. Preservation of trees along public ways; parkways. R. S. c. 4, § 90. For the purpose of preserving and increasing the growth of trees on land abutting any public way, or located on uplands adjoining any navigable river or other body of water, cities and towns and the municipal officers thereof, acting pursuant to sections one hundred nine, one hundred ten, and one hundred eleven may set aside and define such land, located as aforesaid, in width not exceeding five rods; and all trees and shrubs growing on said land shall be held as for park purposes, under the exclusive care and control of park commissioners, chosen as provided in section one hundred six and it shall be unlawful for the owner in fee of said land or any other person to injure, remove, or destroy such trees or shrubs except as hereinafter provided. All proceedings relating to estimating and awarding damages provided in sections one hundred nine, one hundred ten, and one hundred eleven are hereby made applicable to proceedings hereunder; and such proceedings may also be commenced upon petition in writing signed by at least thirty taxpayers owning taxable real estate in said town or city.

Sec. 113. Land may be cleared for public ways; further award of damages; licenses to owners to make improvements. R. S. c. 4, § 91. The preceding section shall not prevent the taking and clearing of so much of said land as may be necessary for public ways, nor abridge the right of the owner, or his tenant, to lay out a private way across the same, or to clear and improve so much thereof as may be necessary for actual building purposes, provided the written consent of the municipal officers to open such way or construct buildings thereon be first obtained; nor except as provided in the preceding section shall the provisions thereof and of this section restrict the use and enjoyment of such land by the owner thereof, or authorize any person to enter thereon, excepting municipal officers and park commissioners, and their agents, for the purposes of the preceding section. Whenever municipal officers refuse to give consent for laying out a private way or for cutting and clearing so much of said land as is necessary for immediate building purposes, when in writing requested so to do, such refusal shall be ground for a further award of damages to the owner as provided in the preceding section. Park commissioners may grant written license to the owner to do such cutting and clearing on said land as is consistent with the preservation and general improvement of the growth thereon.

Sec. 114. Failure to elect park commissioners; towns may appropriate money.

R. S. c. 4, § 92. If any city or town, having taken lands as herein provided, fails to elect a board of park commissioners, the municipal officers shall have and exercise all the powers and duties of such commissioners, except as hereinafter provided in sections one hundred sixteen to one hundred twenty-three inclusive. Cities and towns may appropriate money for the purposes of the two preceding sections, and said sections shall apply to every town, although containing less than one thousand inhabitants.

Sec. 115. Penalties. R. S. c. 4, § 93. Whoever violates any provisions of sections one hundred twelve and one hundred thirteen of this chapter shall be punished by a fine not exceeding one hundred dollars, to be recovered on complaint, and shall also be liable to an action on the case, brought by the park commissioners or by a taxpayer, in the name and for the benefit of the town or city wherein said offense is committed, for all damages sustained.

117 Me. 17.

Sec. 116. Trees within highway limit public shade trees. 1919, c. 219, § 1. All trees within or upon the limits of any highway marked as hereinafter provided are hereby declared to be public shade trees. The tree wardens in the several cities and towns, as soon as may be after they are appointed as hereinafter provided, shall carefully examine the trees along the highways under their jurisdiction and plainly mark such trees as they consider should be controlled by the municipality. The forest commissioner shall furnish to the municipal officers of the several cities and towns, at cost, galvanized iron disks not more than one inch in diameter, which disks shall have stamped on them the letter "M." Said disk shall be inserted in each tree, selected as above provided, at a point not less than three feet nor more than six feet from the ground on the side toward the highway. It shall be the duty of the tree warden, if any tree marker shall be destroyed or defaced, to renew or replace the same.

Sec. 117. Park commissioners to have supervision of trees. 1919, c. 219, § 2. All public shade trees shall be under the care and control of park commissioners in cities and towns which now or hereafter may appoint such commissioners in accordance with sections one hundred six to one hundred fifteen inclusive of this chapter. As to all such trees said park commissioners shall have the powers and duties hereinafter conferred upon tree wardens.

Sec. 118. Tree wardens, appointment and duties. 1919, c. 219, § 3. The municipal officers of cities and towns not having elected park commissioners as provided by sections one hundred six to one hundred fifteen of this chapter, may at any annual meeting or meetings called for that purpose appoint one or more tree wardens, who shall have the care and control of all public shade trees upon and along such highways and in the parks thereof and all streets within any village limits and shall enforce all laws relative to the preservation of the same.

Sec. 119. Comparative powers of owners of soil and tree wardens as to removal of trees. 1919, c. 219, § 4. Public shade trees may be trimmed, cut down, or removed by the owner of the soil only with the consent of a tree warden or park commissioner, but such trees shall not be trimmed, cut down, or removed in any case by a tree warden or park commissioner except with the consent of such owner. Nothing in this section, however, shall be construed to prevent the trimming, cutting, or removal of trees where such trimming, cutting, or removal is ordered by proper authority to lay out, alter or widen the location of highways, to lessen the danger of travel on highways or to suppress tree pests or insects.

Sec. 120. Appropriation for compensation of tree wardens. 1919, c. 219, § 5.

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Cities and towns may appropriate at any annual or special town meeting money not exceeding fifty cents for each taxable poll in each year to be used in making compensation to tree wardens, and in acquiring, planting, pruning, and protecting shade trees.

Sec. 121. Penalty for violation. 1919, c. 219, § 6. Whosoever trims, cuts, or otherwise defaces or destroys a public shade tree or injures, defaces, or destroys any tree marker attached in accordance with section one hereof, shall be punished by a fine of not less than five nor more than twenty-five dollars to be paid to the city or town in which the offense is committed, and expended by said city or town for the purposes outlined in this act as the same may be amended from time to time.

Sec. 122. Free distribution of trees for roadside planting. 1919, c. 219, § 7. The forest commissioner may provide and distribute free of charge at the state nursery, to the several cities and towns, trees for roadside planting.

Sec. 123. Failure of municipalities to appoint wardens; provisions of § 121 not applicable. 1919, c. 219, § 8. When the municipal officers in any year fail to appoint tree wardens in accordance with section one hundred eighteen of this chapter the provisions of section one hundred twenty-one shall not apply to trees previously marked in accordance with section one hundred sixteen hereof.

Municipal Forests.

Sec. 124. Cities and towns may acquire lands for forestry purposes; forest commissioner to furnish seedlings. 1927, c. 33, § 1. Cities and towns may acquire by purchase, gift, or bequest lands for the purpose of forestation, and may reclaim and plant such lands. The forest commissioner shall, upon application in such form as he may prescribe, furnish said cities and towns, at cost, with seedlings or transplants for the planting of town forest lands, and shall be ready to offer advice as to the planting, management, and protection of said forest lands.

Sec. 125. Two-thirds vote required to authorize purchase of land; purposes of forest. 1927, c. 33, § 2. A town, by a two-thirds vote at any annual town meeting, or a city, by a two-thirds vote of the city government, may determine to purchase lands which shall be known as the town or city forest, and may appropriate money and accept gifts of money and land therefor. Such forest shall be devoted to the culture of forest trees, or to the preservation of the water supply of such city or town.

Sec. 126. May appoint a forester; his duties. 1927, c. 33, § 3. In each city or town which has a town forest as defined hereinbefore, the town or city manager in such towns or cities as are under the manager system, or elsewhere the mayor or selectmen, may appoint a forester whose duty it shall be to make and enforce all necessary regulations, and to perform such labor therein as may be necessary for the proper care and maintenance of such land as a forest producing area. Said forester need not be a resident of the town or city in which he is appointed, but he and such deputies as he may appoint shall have the powers of constables and police officers while in said forest.

Sec. 127. Building may be leased or erected. 1927, c. 33, § 4. Any city or town owning such forest area may lease any building thereon, and may erect thereon any building for public instruction and recreation.

Sec. 128. Payment of bills; disposition of revenue. 1927, c. 33, § 5. No expenditures shall be made or bills incurred above the amounts appropriated for said specific items, and all expenditures must have the approval of city or

town officers appointing said forester. All receipts from said forest or buildings thereon shall go into the general revenue of town or city owning said forest.

Sec. 129. Lands acquired may be sold or exchanged; exception; highways may be located. 1927, c. 33, § 6. When in the judgment of the forester, and with the approval of the city council, or by vote of town meeting, land acquired under this act may be sold or exchanged and in like manner, rights of way for public highways granted, if it shall be deemed of advantage to the town. Provided, that the power of sale or exchange herein granted shall not apply to lands given for memorial purposes.

Street Sprinkling.

Sec. 130. Appropriation for street sprinkling. R. S. c. 4, § 94. A city may annually appropriate money for sprinkling all or a part of its public ways, or portions thereof, at its expense in whole or in part, and may determine that certain other public ways or portions thereof shall be sprinkled at the expense in whole or in part of the abutters thereon.

117 Me. 17.

Sec. 131. Municipal officers to determine assessment on abutters for sprinkling of streets; proceedings. R. S. c. 4, § 95. If a city, town, or village corporation determines that streets or certain streets or portions of streets shall be sprinkled in whole or in part at the expense of the abutters thereon, such expense for sprinkling for a municipal year, and the proportions thereof to be borne by abutters, shall be determined by the municipal officers who after such notice as they may order shall view the abutting estates, and after hearing determine the amount to be assessed on estates abutting on such streets in proportion to the benefit secured to such abutting estates by such sprinkling. Provided, however, that if street railroads are operated upon such public ways or portions thereof as said city, town, or village corporation may determine to sprinkle at the expense of the abutters, said railroads shall be assessed on the amount of space included between the outer rails and one foot beyond on each side extended such distance as such railroads operate on said way or portion thereof to be sprinkled, at the same proportionate rate as said space bears to the amount assessed in the whole space included within said limits of said public way, and provided further, that the provisions of this section as to sprinkling streets shall not apply to suburban districts, but only to thickly populated portions of a city, town, or village corporation, nor to tracks laid along the side of streets or ways; and the amount assessed against a street railroad for such sprinkling in any street shall not exceed one-third of the cost of such sprinkling along the line of said railroad. Instead of paying an assessment as above provided, a street railroad may sprinkle its tracks at its own expense.

The amount of such assessment upon each estate and upon said railroad shall be determined by the municipal officers, or if said municipal officers so designate, by the board of public works, board of street commissioners, superintendent of streets, or other officers, and said municipal officers or other officers or officer as aforesaid as soon as may be after the first day of April of each municipal year shall cause a list of such streets or portions thereof to be made, specifying each abutting estate, the length of track of street railroads on such streets to be sprinkled, and the amount determined to be assessed as aforesaid, against each abutting estate and said railroad and certify and commit said list to the assessors of taxes.

Sec. 132. Tax to be assessed; lien. R. S. c. 4, § 96. The assessors shall assess the tax and shall include such assessment in the tax list and warrant

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committed by them to the collector of taxes for that municipal year, and it shall be included in the annual tax bill, or if the estate so assessed is otherwise exempt from taxation, it shall be rendered as a tax bill. Such assessment shall be a lien upon the estate, and shall be levied, collected, re-assessed, paid, apportioned, or bear interest and become payable in the same manner as, and shall be a part of, the tax for that year on such estate; but the assessors shall make no abatement thereof except upon the recommendation of the board of officers by whom the list was certified to them.

Disorganized Towns.

Sec. 133. Debts of disorganized towns collectable; so with school districts therein. R. S. c. 4, § 97. Where towns are disorganized by a repeal of their charters, and their liabilities are excepted and reserved by the repealing act, legal service of process to collect such liabilities may be made on any inhabitant of lawful age resident in the territory included in said town, as provided for service of such process against towns; provided, that there are no legal officers in said territory on whom service can be made. This section extends to school districts in said towns so far as applicable.

See c. 94, § 19.

Town, City, and Village By-laws and Ordinances.

Sec. 134. By-laws of towns, cities, and villages. R. S. c. 4, § 98. 1917, c. 58. 1921, c. 154. Towns, cities, and village corporations may make by-laws or ordinances, not inconsistent with law, and enforce them by suitable penalties, for the purposes and with the limitations following:

36 Me. 320; 70 Me. 522; 101 Me. 512; 107 Me. 262.

I. For managing their prudential affairs, with penalties not exceeding five dollars for one offense, subject to the approval of the county commissioners, or a judge of the supreme judicial court.

See c. 19, § 73; c. 24, § 17; c. 26, §§ 9, 12, 35-39; c. 34, §§ 1, 20, 23; 93 Me. 77.

II. For establishing police regulations, for the prevention of crime, protection of property, and preservation of good order, and to regulate the use and manner of the use of bicycles in the streets in the night time.

III. Respecting infectious diseases and health.

See c. 22, § 53, ¶ v; 100 Me. 184; 112 Me. 10.

IV. For regulating the going at large of dogs.

See §§ 156-175.

V. Respecting the measure and sale of wood, bark, and coal brought to market, and teams coming therewith.

See c. 50, § 1.

VI. For setting off portions of their streets for sidewalks and for regulating the use thereof, and for providing for the removal of snow and ice from such sidewalks within the limits of highways and townways to such extent as they deem expedient; the penalty for violation of such by-laws shall apply to the owner or occupant of abutting property or the agent having charge thereof, and for planting and preserving trees by the side thereof, and for the proper protection and care of public parks and squares within the same and all monuments, statues, and erections thereon.

See c. 27, §§ 72, 90; *37 Me. 331; 78 Me. 31; 85 Me. 388; 104 Me. 351.

VII. Respecting the location and protection of monuments, boundary stones, curbstones, stepping stones or horse-blocks, trees, lamp posts, posts, and hydrants, the maintenance and operation of sidewalk tanks and pumps for the sale or distribution of petroleum products for fuel, power, and lubrication,

supporting posts for any awning, marquee, or other temporary or permanent structure over the street or sidewalk, and all other things placed within the limits of their roads, ways, and streets, by municipal authority, and for legitimate municipal purposes; and no such objects placed as aforesaid, if located in accordance with such by-laws and ordinances, shall be deemed defects in such road, way, or street.

VIII. Respecting the erection of buildings therein, and defining their proportions, dimensions, and the material to be used in the construction thereof; and any building erected contrary to a by-law or ordinance adopted under this specification is a nuisance.

See c. 34, §§ 25-36.

102 Me. 285; *120 Me. 194.

IX. For the regulation of all vehicles used therein, by establishing the rates of fare, routes, and places of standing, and in any other respect; but by-laws and ordinances for this purpose shall be published one week at least before they take effect, in some newspaper printed therein, or if there is no newspaper printed therein, such by-laws and ordinances shall be posted at least one week before they take effect, in two public and conspicuous places therein, and published once in some newspaper printed in the county in which said town is situated; and penalties for their breach shall not exceed twenty dollars for one offense, to be recovered by complaint to the use of such city, town, or corporation.

*100 Me. 325; 93 Me. 77.

X. For protection of persons against injury from the sliding of snow and ice from roofs of buildings; but the municipal authorities shall notify the owners of the buildings of by-laws or ordinances adopted under this specification, and if such owners do not comply with them in thirty days after notice, they shall be liable for all injury sustained by any person in consequence thereof; and said authorities, at the expense of their cities, towns, or corporations, may place the required guards or other obstructions on the roofs of such buildings, and the reasonable charges therefor may be recovered of such owners.

XI. Any town whose boards of assessors or selectmen consist of not more than three members each may provide by its by-laws for the election of a board of assessors and selectmen to serve for the term of three years, one member of such board being elected annually in the manner now prescribed for the election of members of the superintending school committee in towns.

See § 13; c. 19, § 35.

XII. Cities may establish localities for, and regulate the sale of fresh meat and fish therein, and fix penalties for breach thereof.

See c. 26, § 9.

XIII. Cities and all towns of more than one thousand inhabitants may establish and adopt by-laws and ordinances regulating the purchase and sale of articles usually bought by old junk dealers and dealers in second hand articles, and the pawning of articles with pawn-brokers, and may therein prescribe conditions to be observed by buyers and sellers, pawners and pawn-brokers, to prevent or detect the sale or purchase of stolen goods; and suitable penalties may be prescribed in such by-laws and ordinances.

119 Me. 455.

Sec. 135. Cities, towns, and village corporations may enact zoning ordinances. 1925, c. 209, § 1. 1927, c. 172, § 1. Cities, towns, and village corporations may, by ordinance or by-law, restrict buildings, premises, and camping grounds, to be used for particular industries, trades, manufacturing, commercial, or other purposes, to specified parts or zones of the city, town, or village corporation or may exclude them from specified parts or zones of the city, town, or village corporation or provide that such buildings, premises, and camping grounds, if

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situated in certain parts or zones of the city, town, or village corporation, shall be subject to special regulation as to their construction or use. A city, town, or village corporation may also, by ordinance or by-law, provide that certain kinds of dwelling houses, tenement houses, and camping grounds conducted for private gain shall be restricted to specified parts or zones of such city, town, or village corporation or shall be excluded from specified parts or zones of such city, town, or village corporation or that dwelling houses or tenement houses or such camping grounds situated in specified parts or zones of such cities, towns, or village corporations shall conform to certain regulations in respect to their construction or use which shall not apply to other buildings, premises, or camping grounds in other parts or zones of such city, town, or village corporation. For the above purposes, the city, town, or village corporation may be divided into zones and the construction and use of buildings and the use of premises and such camping grounds may be regulated, as above provided.

Sec. 136. Provisions to be carried out so as to promote welfare of community; buildings erected or camping grounds maintained contrary to statute, nuisances. 1925, c. 209, § 2. 1927, c. 172, § 2. The provisions of this act shall be carried out in such manner as will best promote the health, safety, morals, and general welfare of the community, and any building erected, altered, or repaired and such premises or camping grounds maintained contrary to the provision of an ordinance or by-law passed hereunder is a nuisance.

Sec. 137. Notices required before enacting ordinances or by-laws. 1925, c. 209, § 3. 1927, c. 172, § 3. No ordinance or by-law shall be enacted hereunder until after a public hearing thereon, notice of which hearing shall be published at least thirty days before the hearing in a newspaper published in the city, town, or village corporation concerned, or in a newspaper published in the county wherein said city, town, or village corporation is located.

Sec. 138. Inspectors of buildings to withhold permits for construction in violation of ordinance; appeal. 1925, c. 209, § 4. 1927, c. 172, § 4. It shall be the duty of the inspector of buildings to withhold permit for the construction or alteration of any building or the maintenance of any such premises or camping ground in violation of an ordinance or by-law enacted hereunder. Appeal shall lie from decision of the inspector of buildings to the municipal officers and from said municipal officers to the supreme judicial court according to the provisions of section twenty of chapter twenty-seven of the revised statutes and acts additional thereto and amendatory thereof.

Sec. 139. Not to apply to buildings of public service corporations; such corporation to apply to public utilities commission. 1925, c. 209, § 5. Sections one hundred thirty-five to one hundred forty-two inclusive of this chapter shall not apply to any existing or proposed building used or to be used by a public service corporation; provided, that upon a petition by a public service corporation, the public utilities commission may, after due notice and a public hearing, adjudge the situation of any existing or proposed building used by such corporation, to be reasonably necessary for the convenience or welfare of the public, and that such building or buildings be exempt from the provisions of said sections, or from any ordinance passed or adopted in accordance with their provisions.

Sec. 140. Not to apply to existing buildings; but to alterations or changes in use of existing buildings. 1925, c. 209, § 6. No ordinance or by-law adopted under the powers created by said sections one hundred thirty-five to one hundred forty-two inclusive shall apply to structures existing at the time of the adoption of the ordinance nor to the then existing use of any building, but it

shall apply to any alteration of a building to provide for its use for a purpose or in a manner substantially different from the use to which it was put before the alteration, and shall apply to a substantial change in the uses of a building when put to a new use without alteration.

Sec. 141. Provisions of zoning law may be accepted at a special election duly called; form of question to be submitted. 1925, c. 209, § 7. 1927, c. 172, § 5. No ordinance or by-law enacted under the powers hereby conferred shall be in force and effect until accepted by a majority of the electors of the city, town, or village corporation voting at a regular election for the election of municipal officers of such city, town, or village corporation or for the election of one or more members of any city council or at a special election duly warned, called, and conducted in the same manner as required for such regular election. At the time of the submission to the voters, the question shall be submitted in this form: "Shall the Zoning Ordinance be Accepted?" Those favoring the acceptance shall vote "Yes," those opposed shall vote "No."

Sec. 142. Terms defined. 1925, c. 209, § 8. The words "municipal officers" as used in said sections one hundred thirty-five to one hundred forty-two inclusive shall be construed to include assessors of village corporations, and village corporations included herein shall be only those whose electors and voters resident therein are also qualified voters in the town wherein said corporation is located.

Licensing of Steam Engineers and Firemen.

Sec. 143. Municipal examiners of steam engineers and firemen; appointment of. 1917, c. 262, § 1. The municipal officers of cities and towns shall annually in the month of April, or as soon as practical thereafter, appoint an examiner of steam engineers and firemen who has had not less than five years practical experience operating boilers and engines.

Sec. 144. Operators to obtain certificates of competency; application; exemption. 1917, c. 262, § 2. It shall be unlawful for any person or persons to operate a steam plant consisting of boiler and engine where the services of an engineer or fireman are required, without first obtaining a certificate of competency from said examiner; sections one hundred forty-three to one hundred fifty-two inclusive of this chapter shall not apply to dwelling houses, apartment houses, and buildings where the steam plant is used for heating purposes only.

Any person intending to operate a steam plant except as herein provided shall make application in writing to the city clerk, who will notify him in writing when to appear for examination.

Sec. 145. Licenses graded; qualifications and exemptions. 1917, c. 262, § 3. Licenses shall be granted as follows:

First grade, horse power unlimited.

Second grade, limited to five hundred horse power.

Third grade, limited to two hundred horse power.

Special grade, limited to engineers and firemen operating some special steam plant, and to night engineers and firemen, and to engineers handling donkey, hoisting, and steam roller engines. A special license shall state for what purposes such license is issued and the location of the plant.

An engineer or fireman who has been granted a second grade certificate may operate a plant as specified in the first grade under direction of an engineer or fireman who has been granted a first grade certificate, and an engineer or fireman who has been granted a third grade certificate may operate a plant as specified in the second grade under direction of an engineer or fireman who has

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been granted a second grade certificate. All persons holding engineer's or fireman's licenses issued by the United States Local Inspectors of Steam Vessels shall be exempt from the provisions of sections one hundred forty-three to one hundred fifty-two of this chapter and said sections shall not apply to buildings owned by the United States government.

Sec. 146. Examination; form of certificate; original filed with clerk; certified copy furnished applicant. 1917, c. 262, § 4. 1921, c. 191, § 1. The examiner's fee shall be paid to the city clerk when application is made. It shall be the duty of the city clerk to forward all applications to the examiner. The examiner shall examine all applicants in writing, and shall issue a certificate in the following form, if the applicant is of temperate habits and has suitable competency:

STATE OF MAINE.

This is to certify that _____, having made application to the city clerk for permission to take charge of and to operate a steam plant, and having produced evidence of his competency to act in said capacity as _____, I have issued to him this certificate as approved by law this _____ day of _____.

Said certificate when issued shall be filed in the office of the city clerk and said clerk shall issue and deliver to said applicant a duly attested copy of said certificate; and the copy so issued shall be posted by the holder thereof in a frame under glass in a conspicuous place in or near the boiler room of the steam plant to be operated.

Sec. 147. Term of certificate. 1917, c. 262, § 5. The term of certificate shall be one year from date granted unless revoked as hereinafter provided.

Sec. 148. Renewal of license; procedure; applicant entitled to hearing when refused renewal. Duplication in case of loss. 1917, c. 262, § 6. 1921, c. 191, § 2. When an engineer or fireman shall apply for a renewal of his license for the same grade, the presentation of the attested copy of the original certificate shall be considered sufficient evidence of his title to renewal, which certificate shall be retained by the examiner upon the official files as the evidence upon which the license was renewed, and a new certificate shall be issued upon the payment of the customary fee, unless such license shall be forfeited or unless facts shall have come to the knowledge of the examiner which would render a renewal improper. In such case the applicant shall be entitled to a hearing before the examiner. In case of loss or destruction of applicant's certified copy of his license, the city clerk shall by direction of the examiner, issue to the applicant a duplicate attested copy, upon payment of the usual fee.

Sec. 149. Incompetency; holder of certificate entitled to hearing; license may be revoked when charge sustained; notice to owners of plant; temporary operator. 1917, c. 262, § 7. When the examiner receives notice in writing signed by ten or more residents of the city or town where the steam plant in question is located stating that in their opinion the person in charge of such steam plant is incompetent to discharge his duties, or by reason of negligence, intemperance, or other cause, such person ought not to longer remain in charge of such steam plant, the said examiner may temporarily suspend the authority of such person to act in said capacity until the investigation and hearing as herein provided can be made, provided however, that said certificate shall not be permanently revoked until the said examiner shall have given a hearing to the person against whom a complaint has been filed, and shall have given him a written copy of said complaint at least forty-eight hours before said hearing is to be held. Said

examiner shall immediately cause an investigation to be made as to the habits and qualifications of the person so complained of; and if such person is found to be incompetent to remain in charge of said steam plant, said examiner shall cause the certificate granted under the provisions of this act to be revoked, and notice of such revocation shall be filed with the city clerk; if the examiner shall after hearing revoke said license he shall then give the person or corporation having control of such plant notice of his findings. If after the receipt of such notice the person or corporation having control of such steam plant shall neglect or refuse to cause said steam plant to be placed in charge of some person qualified under the provisions of this act within a reasonable time thereafter, such person or corporation shall be subject to the penalties provided in section one hundred fifty-one of this chapter. The person or corporation in control of a steam plant, in case of sickness, emergency, or other good and sufficient reason, may temporarily employ some competent person, not holding a license as herein provided, to operate said plant for a period not exceeding two weeks.

Sec. 150. Persons operating steam plant for one year exempt from examination. 1917, c. 262, § 8. Any engineer or fireman who has operated a steam plant for one year and who shall produce satisfactory evidence of the same, shall be entitled to a license to operate a steam plant of the same or lower grade without examination, upon payment of the fees prescribed for the granting of licenses by examination, and any engineer or fireman who now holds a license shall be entitled to receive a renewal of the same without examination.

Sec. 151. Penalty for violations. 1917, c. 262, § 9. Whoever violates any provision of sections one hundred forty-three to one hundred fifty-two inclusive of this chapter shall be punished by a fine not exceeding fifty dollars.

Sec. 152. Not applicable to places of less than 40,000. 1917, c. 262, § 10. Sections one hundred forty-three to one hundred fifty-two inclusive of this chapter shall not apply to cities and towns having less than forty thousand inhabitants.

Police Officers.

Sec. 153. Selectmen of towns authorized to appoint police officers. R. S. c. 4, § 99. The selectmen of towns may appoint and shall control and fix the compensation of police officers. Such appointment shall be in writing, signed by a majority of the selectmen and recorded by the town clerk, and shall be for such time not exceeding one year as the selectmen shall determine.

Sec. 154. Powers; removal. R. S. c. 4, § 100. Police officers so appointed shall severally have all the powers of a constable in criminal matters, within the limits of the town, and may be removed by the selectmen when they shall deem that the interests of the town require such removal.

See c. 37, § 10; c. 93, § 60.

Registration and Licensing of Dogs.

Sec. 155. Assessors to make lists of all dogs; return to treasurer of state; penalty for failure to make return. R. S. c. 4, § 101. Assessors of taxes shall include in their inventories lists of all dogs owned by or in the possession of any inhabitant on the first day of April, setting the number and sex thereof opposite the names of their respective owners or persons in whose possession the same are found, and make a return to the treasurer of state of said lists and also of the number of dogs killed as required by section one hundred and sixty of this chapter on or before the fifteenth day of June following; and if any city or town fail to return to the treasurer of state on or before September

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first of each year, a sum of money equal to the license required by this chapter, on all dogs living on the first day of June preceding, such deficiency shall be collected in the same manner as the state tax of such delinquent city or town for the following year.

Sec. 156. Dogs to be annually registered, numbered, and licensed; license fee; kennel license; fee for kennel license. R. S. c. 4, § 102. Every owner or keeper, on the first day of April, of a dog more than four months old, shall annually before the tenth day of said April, cause it to be registered, numbered, described, and licensed for one year commencing with the first day of April aforesaid, in the office of the clerk of the city or town where said dog is kept, and shall keep around its neck a collar distinctly marked with the owner's name and its registered number, and shall pay to said clerk for a license the sum of one dollar and fifteen cents for each male dog and for each female dog incapable of producing young so kept, and five dollars and fifteen cents for each female dog capable of producing young.

Any person becoming the owner or keeper of a dog after the first day of April, not duly licensed as herein required, shall within ten days after he becomes the owner or keeper of said dog, cause said dog to be described and licensed as provided above.

Every owner or keeper of dogs, kept for breeding purposes, may receive annually a special kennel license authorizing him to keep said dogs for said purpose, provided he keep said dogs within a proper enclosure. When the number of dogs so kept does not exceed ten, the fee for such license shall be ten dollars and fifteen cents; when the number of dogs so kept exceeds ten, the fee for such license shall be twenty dollars and fifteen cents and no fees shall be required for the dogs of such owner or keeper under the age of six months. Dogs covered by kennel license shall be exempted from the provisions of this section requiring registration, numbering, and collaring.

93 Me. 387.

Sec. 157. Duty of clerks. R. S. c. 4, § 103. The clerks of cities and towns shall issue said license and receive the money therefor, and pay the same to the treasurer of their respective cities or towns within thirty days thereafter, retaining to their own use the sum of fifteen cents for each license so issued; and the said treasurer shall pay the money so received to the treasurer of state on or before September first of each year who shall credit the same to a fund called "Dog Licenses." Such clerks shall keep a record of all licenses issued by them, with the names of the owners or keepers of dogs licensed, and the sex, registered numbers, and description of all such dogs; provided, however, that the sex, registered number, and description shall not be required of dogs covered by a kennel license.

Sec. 158. Treasurers to keep account. R. S. c. 4, § 104. The treasurer of each city or town shall keep an accurate and separate account of all moneys received and expended by him under the provisions of the preceding section.

Sec. 159. Penalty for keeping unlicensed dog. R. S. c. 4, § 105. Whoever keeps a dog contrary to the provisions of this chapter shall forfeit ten dollars, five of which shall be paid to the complainant and five to the treasurer of the town in which the dog is kept, and in addition thereto shall pay the cost of prosecution.

Sec. 160. Warrants to be issued to officers to kill all unlicensed dogs. R. S. c. 4, § 106. The mayor of each city and the municipal officers of each town or plantation shall annually within ten days from the first day of May issue a warrant, returnable on the first day of June following, to one or more police

officers or constables, directing them to proceed forthwith either to kill or cause to be killed all dogs within said city, town, or plantation not licensed, collared or enclosed according to the provisions of this chapter, and said constable or police officer shall or any other person may enter complaint against the owner or keeper thereof. On the first day of June the mayors of cities and the municipal officers of towns and plantations shall issue to one or more police officers or constables a warrant returnable on the first Monday of the following February, directing said police officers or constables to kill or cause to be killed forthwith any dog not licensed or collared according to the provisions of this chapter and to enter complaint against the owner or keeper thereof.

^{93 Me. 388.}

Sec. 161. Return of warrant and what it shall contain. R. S. c. 4, § 107. Each police officer or constable to whom the warrants named in the preceding section are issued shall return the same at the times specified and shall state in his return on each warrant the number of dogs killed, the names of the owners and keepers thereof, and whether all unlicensed dogs within his precinct, have been killed, and the names of persons against whom complaints have been made under the provisions of said section. Such officers shall receive from the city, town, or plantation the sum of two dollars for each dog killed, and for such other services rendered under the provisions of this chapter, they shall receive such compensation as the municipal officers may determine.

Sec. 162. Secretary of state to forward copies of law; posting. R. S. c. 4, § 108. The secretary of state shall seasonably forward to the clerks of the several cities, towns, and plantations, copies of the seven preceding sections, and each clerk shall annually, at least twenty days before the first day of April, post said copies in the usual places of posting notices of the annual municipal or town elections.

Sec. 163. Liability for damages by dogs. R. S. c. 4, § 109. When a dog does damage to a person or his property, his owner or keeper, and also the parent, guardian, master, or mistress of any minor who owns such dog, forfeits to the person injured the amount of the damage done, provided the said damage was not occasioned through the fault of the person injured; to be recovered by an action of trespass.

^{62 Me. 279; 74 Me. 488; 75 Me. 564; 78 Me. 559; *83 Me. 568; 87 Me. 172;}

^{98 Me. 264; 100 Me. 25; 101 Me. 551; *110 Me. 307.}

Sec. 164. Payment of damages done by dogs and wild animals; determination of damages; recovery from owner; penalty for keeping dog that kills sheep. R. S. c. 4, § 110. 1921, c. 223. Whenever any sheep, lambs, or other domestic animals, poultry not included, owned by a resident of this state, are killed or injured by dogs or wild animals, such owner may make complaint thereof to the mayor of the city, or to one of the municipal officers of the town or plantation where such damage was done, within seven days after he has knowledge of the same, and thereupon the municipal officers shall investigate the complaint, and if satisfied that the said damage was committed by dogs or wild animals within the limit of their city, town, or plantation, they shall estimate the damage thereof according to the full value for which they are kept, whether as breeders or for other purposes, and direct that the same with fifty per cent additional shall be paid from the town treasury. If the municipal officers and the owner of the sheep or domestic animals are unable to agree as to the amount of the damage which shall be paid, the amount shall be determined by three referees to be selected in manner following: one referee to be chosen by the municipal officers, one by the owner of the animals injured or killed, and the third by the two referees already selected. In case one party

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refuses or neglects to select a referee, the other party, after thirty days from the time the notice of the aforesaid damage was given or received, shall select two referees, and the two selected shall choose the third. The said referees shall submit a written report, signed by a majority, within fifteen days from the date of their appointment, stating the amount to be paid by the town. The report of said referees shall be final and the expenses of the referees shall be divided equally between the owner of the animals and the town, city, or plantation. Any town paying such damages caused by dogs may maintain an action on the case against the owner or keeper of such dogs to recover the amount paid, not exceeding the actual damage committed and fifty per cent additional. Any person who keeps a dog that kills or injures sheep or lambs shall be fined not less than fifty, nor more than one hundred dollars and costs, unless before the final disposition of the case, the said owner or keeper of the said dog produces satisfactory evidence that the dog has been killed.

125 Me. 67.

Sec. 165. Joint owners of dogs liable jointly and severally. R. S. c. 4, § 111. If any sheep, lambs, or other domestic animals are killed or injured by two or more dogs at the same time, kept by two or more owners or keepers, the said owners or keepers of said dogs shall be jointly and severally liable for such damage.

Sec. 166. Reimbursement of amount paid by cities and towns. R. S. c. 4, § 112. When any city, town, or plantation shall have paid damages to the owners of sheep, lambs, or other domestic animals, as provided in section one hundred sixty-four for losses caused by dogs, and the amount of such damages cannot be collected from the owners or keepers of said dogs, or the dog or dogs causing such losses cannot be identified, or shall have paid such damages for losses caused by wild animals, the mayor of such city, or the municipal officers of said town or plantation, shall forward to the state auditor a statement of facts in each case, showing the amount so paid, and the state shall reimburse such city, town, or plantation to the amount of such damage from the fund received by said state under section one hundred fifty-seven and so much as may be necessary is hereby appropriated to pay the same.

Sec. 167. Expenditure of money remaining in state treasury. R. S. c. 4, § 113. All money received by the treasurer of state as provided in section one hundred fifty-seven and remaining unexpended at the end of the year shall be credited to the several cities, towns, and plantations upon their state tax in proportion to the amount each has paid into the state treasury under the provisions of this chapter and so much thereof as remains unexpended as aforesaid is hereby appropriated to pay the same; provided, however, that the amount to be refunded to such plantations as are taxed as wild lands shall be paid direct to the plantation treasurer instead of being credited upon the state tax.

Sec. 168. Penalty, if officer refuse or neglects duty. R. S. c. 4, § 114. Any mayor, selectmen, clerk, constable, or police officer who refuses or wilfully neglects to perform the duties imposed by the thirteen preceding sections shall be punished by a fine of not less than ten nor more than fifty dollars and costs.

Sec. 169. Liability for stealing or killing registered dog. R. S. c. 4, § 115. Whoever steals, injures, or confines and secretes any registered dog, or kills any such dog, except as provided in the following section, and unless such killing be justifiable in the protection of person, property, or game, shall be liable to the owner in a civil action for the full value of the dog.

Sec. 170. Certain officers may kill dogs found chasing game or worrying domestic animals; other persons may kill dogs under certain conditions. R. S.

c. 4, § 116. 1923, c. 173. Any inland game warden or deputy warden, sheriff, deputy sheriff, or constable may at any time lawfully kill any dog he may find in the act of hunting or chasing moose, caribou, or deer, or he may find worrying, wounding, or killing any domestic animal, when said dog is outside of the enclosure or immediate care of its owner or keeper. Any owner of sheep, or any member of his family, or any person to whom is intrusted the custody of any sheep, shall have a right to kill any dog attacking any of said sheep. Any person having any evidence of any dog hunting or chasing moose, caribou or deer, or of any dog kept and used for that purpose, or of any dog worrying, wounding, or killing any domestic animal or fowl, when said dog is outside of the enclosure or immediate care of his owner or keeper, may present said evidence to any trial justice or judge or recorder of any municipal court, which said trial justice, judge, or recorder shall have power to issue a warrant against the owner of said dog, ordering him to appear before him and show cause why said dog should not be killed; and upon hearing the evidence in said case said court may order said dog killed. Any person may lawfully kill a dog which suddenly assaults him or another person when peaceably walking or riding.

93 Me. 389; 112 Me. 362.

Sec. 171. Written complaint of dangerous dogs at large. R. S. c. 4, § 117. Whoever is so assaulted or finds a dog strolling outside of the premises or immediate care of its keeper, and the said dog is not safely muzzled, may, within forty-eight hours thereafter, make written complaint before the municipal or police court having jurisdiction in the city or town where the owner or keeper resides, or in case there is no court, before a trial justice in said town, that he really believes and has reason to believe that said dog is dangerous and vicious, whereupon said court or trial justice shall order said owner or keeper to appear and answer to said complaint by serving said owner or keeper of said dog with a copy of said complaint and order a reasonable time before the day set for the hearing thereon; and if upon hearing, the court or trial justice is satisfied that the complaint is true, he shall order the dog to be killed and the owner or keeper shall pay the costs. If the dog is not killed within the time fixed by such order, the court or magistrate making said order, may, upon application by the complainant, or other person, issue his warrant directed to the sheriff of the county or any of his deputies, or to any police officer or constable in the town where the dog is found, commanding such officer forthwith to kill said dog and to make return of his doings on said warrant to the court or magistrate issuing the same within fourteen days from date thereof. The officer shall receive from the county treasury two dollars for executing said warrant, together with his legal fees for travel, and the owner or keeper aforesaid shall be ordered to pay the costs of such supplementary proceedings.

75 Me. 569.

Sec. 172. Treble damages and costs when order is neglected. R. S. c. 4, § 118. If a dog whose owner or keeper refuses or neglects to comply with said order wounds any person by a sudden assault as aforesaid, or wounds or kills any domestic animal, the owner or keeper shall pay the person injured treble damages and costs, to be recovered by an action on the case.

75 Me. 569.

Sec. 173. Dogs in unorganized plantations. R. S. c. 4, § 119. Dogs kept in unorganized plantations shall be licensed by their owners or keepers in the oldest adjoining plantation or town. In case there is no adjoining town or plantation, said dogs shall be licensed in the nearest town or plantation.

Sec. 174. Jurisdiction of courts; fines, how disposed of. R. S. c. 4, § 120. Trial justices, municipal and police courts shall have concurrent jurisdiction

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with the superior and supreme judicial court of all violations of the nineteen preceding sections. All fines imposed shall be paid into the treasury of the town where the offense is committed and shall be used for the benefit of the town unless otherwise provided.

Wharves and Fish Weirs.

Sec. 175. Application for license to build or extend wharves and fish weirs; proceedings; bond. R. S. c. 4, § 121. 1921, c. 135. 1923, cc. 85, 127. 1925, c. 180. 1927, c. 88. Any person intending to build or extend any wharf or fish weir or trap in tide-waters, within the limits of any city or town, may apply in writing to the municipal officers thereof, stating the location, limits, and boundaries, as nearly as may be, of such intended erection or extension, and asking license therefor. Upon receiving such application, said officers shall give at least three days' public notice thereof in a newspaper, published in the municipality, or, if there be no newspaper published in the municipality, in a newspaper published within the county, and shall therein designate a day on which they shall meet on or near the premises described, and examine the same. If upon such examination and hearing of all parties interested, said officers decide that such erection or extension would not be an obstruction to navigation, or an injury to the rights of others, and determine to allow the same, they shall issue a license under their hands to the applicant, authorizing him to make such erection or extension, and to maintain the same within the limits mentioned in such license; the applicant for license to build or extend a fish weir or trap as aforesaid shall first give bond to the town, without sureties, in the sum of one hundred dollars, conditioned that upon the termination of such license he shall remove all stakes and brush from the location therein described. Said municipal officers shall, within three days after the date of the hearing, give written notice of their decision to all parties interested. Any person aggrieved by the decision of the municipal officers in either granting or refusing to grant a license as hereinbefore provided may appeal to the commission of sea and shore fisheries within ten days after such written notice. On receiving such an appeal, said commission shall set a time and place for a hearing and give notice thereof in the same manner as is hereinbefore provided for a hearing, before municipal officers. At least two members of the commission shall be present at the hearing and no member of the commission shall act on any appeal in any town of which he may be a resident or the owner of a wharf or a weir. The party appealing from the decision of the municipal officers, shall at the time of entering his appeal, file a bond without sureties in the sum of twenty-five dollars with the treasurer of the state and such bond shall be forfeited to the state if the appellant fails to prosecute his appeal or if the decision of the commission of sea and shore fisheries sustains that of the municipal officers. The decision of the said commission shall be communicated within three days after the date of the hearing to the appellant and to the municipal officers of the town in which the proposed wharf or weir is located; and this decision shall be binding on said municipal officers, who shall issue a license, if so directed by the decision of the commission, within three days after said decision has been communicated to them.

68 Me. 259, 261; 85 Me. 120; 102 Me. 55; *114 Me. 242; 126 Me. 57, 58.

Sec. 176. License void. R. S. c. 4, § 122. 1923, c. 133. The license for the building or extension of a fish weir or trap issued under the provisions of the preceding section or any right or privilege granted by the legislature for the building or extension of any such fish weir or trap shall terminate and become

void unless such weir or trap shall be built within one year from the date of the license, or the granting of such right or privilege, and maintained and operated in good faith for some part of each year thereafter.

Sec. 177. Waters lying between two towns. R. S. c. 4, § 123. In any river or tide water lying between two towns or cities, no such wharf or fish weir shall be erected without the consent of the municipal officers of both; and in no case shall any wharf be extended beyond any wharf lines heretofore legally established.

85 Me. 120; *102 Me. 55.

Sec. 178. Record; compensation to officers. R. S. c. 4, § 124. The application and petition aforesaid, with the notice and proceedings thereon, and the license granted, shall be recorded in said town. Reasonable compensation shall be paid by said petitioner to the municipal officers for their services and expenses, and to the clerk for recording, and if license is granted, five dollars additional shall be paid therefor by said petitioner to said town.

85 Me. 120; 102 Me. 55.

Sec. 179.—Extension of weirs and wharves; application to herring weirs and traps. R. S. c. 4, § 125. No fish weir, trap, or wharf shall be extended, erected, or maintained except in accordance with this chapter; and no fish weir, trap, or wharf shall be erected or maintained in tide waters below low water mark in front of the shore or flats of another without the owner's consent, under a penalty of fifty dollars for each offense, to be recovered in an action of debt by the owner of said shore or flat. This section and the four preceding sections apply to all herring weirs and traps; but do not apply to other weirs or traps, the materials of which are chiefly removed annually, provided that such weirs or traps do not obstruct navigation nor interfere with the rights of others. This section shall not affect any wharves so erected or maintained on the twenty-first day of April, nineteen hundred one.

85 Me. 118; 91 Me. 352; *97 Me. 357, 464; *102 Me. 55; 123 Me. 230; 124 Me. 367; 126 Me. 57.

Harbor Masters.

Sec. 180. Appointment of harbor masters; compensation. R. S. c. 4, § 126. Selectmen of towns, on request by any person desiring mooring privileges or regulation of mooring privileges for boats or vessels, shall annually appoint a harbor master who shall be subject to all the duties and liabilities of said office as prescribed by law, and in case of the failure or refusal of said harbor master to perform said duties, he shall be subject to a fine of twenty-five dollars, for the benefit of the town, for each wilful neglect or refusal to attend the same. The selectmen may establish his compensation and may for cause by them declared in writing, after due notice to such officer and hearing thereon, if requested, remove him and appoint another in his stead.

Note. Appointment of harbor master and pilots for the harbor of Portland, P. & S. Laws, 1915, c. 184.

Sec. 181. Rules for channel lines. R. S. c. 4, § 127. The municipal authorities of all maritime towns and plantations shall make rules and regulations for the keeping open of convenient channels for the passage of vessels in the harbors and waterways of the towns for which they act, and shall establish the boundary lines of such channels, and assign suitable portions of their harbors for anchorages.

Sec. 182. Enforcement of rules. R. S. c. 4, § 128. Such rules and regulations as may be made by such municipal authorities shall be enforced and carried out by the harbor master of said town, who may appoint a deputy to act in case of his absence or disability.

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Sec. 183. Harbor masters to indicate location in which vessels shall be moored. R. S. c. 4, § 129. In all harbors wherein channel lines have been established by the municipal authorities, as provided in section one hundred eighty-one, and in all other harbors where mooring rights of individuals are claimed to be invaded and protection is sought of the harbor master, he shall assign and indicate to the master or owner of boats and vessels the location which they may occupy with or for mooring purposes, the kind of mooring to be used, and shall change the location of said moorings from time to time when the crowded condition of such harbor or other conditions render such change desirable; he shall assign mooring privileges in such waters in all cases where individuals who own the shore rights or have an interest in the same are complainants, and shall locate suitable mooring privileges therefor for boats and vessels, temporarily or permanently as the case may be, fronting their land, if so requested, but not thereby to encroach upon the natural channel, or channels established by municipal authorities. The municipal officers shall fix the compensation of the harbor master for such services rendered.

Sec. 184. Penalty for neglecting to remove or replace moorings. R. S. c. 4, § 130. In case of the neglect or refusal of the master or owner of any boat or vessel, to remove his mooring or to replace it by one of different character, when so directed by the harbor master, said harbor master shall cause said mooring to be removed, or shall make such change in the character thereof as required, and shall collect from the master or owner of such boat or vessel the sum of two dollars for either of such services rendered, and also the necessary expenses.

Sec. 185. Vessels obstructing anchorage to be removed by harbor master. R. S. c. 4, § 131. Such harbor master shall, upon complaint to him by the master, owner, or agent of any vessel, cause any other vessel or vessels obstructing the free movement or safe anchorage of such vessel to remove to a position to be designated by him, and to cause, without any complaint being made to him, any vessels anchoring within the channel lines as established by the municipal authorities as provided in section one hundred eighty-one to remove to such anchorage as he may designate.

Sec. 186. May put crew on board to move vessel to suitable berth. R. S. c. 4, § 132. If such vessel has no crew on board, or if the master or other person in charge neglects or refuses to move such vessel as directed by the harbor master, then and in that case such harbor master may put a suitable crew on board and move such vessels to a suitable berth at a wharf or anchorage at the cost and risk of the owners thereof, and shall charge two dollars, to be paid by the master or owner of such vessel, which charge together with the cost of the crew for removing such vessel the harbor master may collect by suit.

Sec. 187. Harbor master may arrest for assault. R. S. c. 4, § 133. Harbor masters may arrest and deliver to the police authorities on shore any person committing an assault upon them or another person acting under their authority.

Town Lines.

Sec. 188. Perambulation of town lines every five years. R. S. c. 4, § 134. Lines between towns shall be run once every five years, except as mentioned in the two following sections. The municipal officers of the oldest town shall give ten days' notice in writing to such officers of the adjoining towns of the time and place of meeting for perambulation; and each officer who neglects to notify or attend in person, or by substitute, forfeits ten dollars, two-thirds to the town which complies with its duty, and one-third to any two or more of

said officers of the town complying, to be recovered within two years after the forfeiture is incurred; and the proceedings of such officers, after every such renewal of boundaries, shall be recorded in their town books.

*56 Me. 30.

Sec. 189. Monuments may be erected at angles; perambulation every ten years. R. S. c. 4, § 135. Towns, which have perambulated, or shall perambulate their lines as by law prescribed, and set up stone monuments, at least two feet high, at all the angles, and where the lines cross highways, or on or near the banks of all rivers, bays, lakes, or ponds, which said lines cross, or which bound said lines, are exempt from the duty of perambulating said lines, except once every ten years, commencing ten years from the time that the stone monuments were so erected.

Sec. 190. Disputed town lines; compensation of commissioners. R. S. c. 4, § 136. When a town petitions the supreme judicial court, stating that a controversy exists between it and an adjoining town respecting a town line, and praying that it may be run, the court, after due notice to all parties concerned, may appoint three commissioners, who shall, after giving notice of the time and place of meeting, to all persons interested, ascertain and determine the lines in dispute, and describe them by courses and distances, and make, set, and mention in their return, suitable monuments and marks for the permanent establishment thereof, and make duplicate returns of their proceedings; one of which shall be returned to the court, and the other to the office of the secretary of state; and such lines shall be deemed in every court and for every purpose the dividing lines between such towns. The court may allow the commissioners a proper compensation for their services, and issue a warrant of distress for its collection from said towns in equal proportions.

53 Me. 325; 65 Me. 201-3; 66 Me. 354; 70 Me. 179; 76 Me. 30; *79 Me. 172; 84 Me. 178; *89 Me. 214; *90 Me. 235; 123 Me. 123.

Plantations.

Sec. 191. Census of larger incorporated townships, duty of county commissioners respecting. R. S. c. 4, § 137. Commissioners of counties containing unincorporated townships shall, at the expiration of every period of five years from March, eighteen 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 inhabitants, and make a suitable description and designation thereof, and return them to the secretary of state, to be by him recorded.

See c. 32, § 31; 56 Me. 31; 64 Me. 267.

Sec. 192. Organization of such townships. R. S. c. 4, § 138. 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 shall 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 shall be returned to the meeting, and the above named officers shall be chosen and sworn.

40 Me. 223; 56 Me. 31; 64 Me. 265-6; 76 Me. 458.

Sec. 193. Organization of less populous townships. R. S. c. 4, § 139. But any unincorporated or unorganized place containing any number of inhabitants

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may be organized as follows: one or more of the county commissioners on written application, signed by three or more persons qualified to be voters, inhabitants of any unincorporated or unorganized place in their county, may issue a warrant to one of them, requiring him to warn a meeting of the 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 treasurer of state 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.

See c. 13, § 104; 40 Me. 218; 64 Me. 265-6; 83 Me. 367.

Sec. 194. Proceedings at meeting for organization under two preceding sections. R. S. c. 4, § 140. At the time and place appointed for meetings for the organization of plantations under 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 until such moderator is chosen and by such person 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 vote of the meeting, and shall be sworn as above named.

76 Me. 458; 93 Me. 493.

Sec. 195. Copy of proceedings and description of plantation, to be forwarded to secretary of state; liability for state or county taxes. R. S. c. 4, § 141. Upon the organization of a plantation, the clerk and assessors shall transmit to the secretary of state, to be by him recorded, a certified copy of all proceedings had in effecting such organization, including the petition if any, the warrant issued therefor and the return thereon, and the record of the meeting held in pursuance thereof, and a written description of the limits of the plantation; and thereupon all laws applicable to organized plantations shall apply to plantations organized as herein provided; but plantations organized upon applications of three or more citizens as above provided shall not be required to pay state or county taxes unless by special order of the legislature.

40 Me. 218; 76 Me. 458.

Sec. 196. Annual meeting. R. S. c. 4, § 142. 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 when money is raised for repair of ways and bridges, the assessors of such plantation shall choose one or more road commissioners, as selectmen of towns do.

See § 16; c. 13, §§ 101, 107; c. 17, § 48.

Sec. 197. Plantation officers' names to be returned to secretary of state; otherwise, no election blanks to be forwarded to such plantation and no votes to be counted. R. S. c. 4, § 143. 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 September, annually, of the names of the assessors and clerks of their several plantations, and that the same have been sworn. When such return is not made by any such plantation, the secretary of state shall not furnish it with blanks for election returns, and no votes purporting to be cast by such plantation shall be counted or allowed by the governor and council. When a plantation is organized after the first day of July, such return is not required to be made by the clerk thereof during that 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 it is organized at least sixty days prior to the second Monday in September.

Note. As to calling meetings and choice of officers, see §§ 2 to 37. As to elections in plantations, see c. 7, §§ 3, 12; c. 8, §§ 76-80. As to penalties, see § 32, also c. 8, §§ 100-125, c. 13, §§ 101 to 104, c. 14, §§ 17, 58; 56 Me. 31.

Sec. 198. Laws for town officers apply to plantation officers. R. S. c. 4, § 144. Laws relating to calling, notifying, and conducting town meetings, and to 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 applicable thereto, except when specially otherwise provided. Voters in plantations are liable to the same penalties for unlawful voting as voters in towns.

Sec. 199. Duties of plantation officers. R. S. c. 4, § 145. Assessors of plantations shall be considered the selectmen thereof, for the purpose of performing such duties as 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 assessment of taxes in plantations, as well as the assessment, collection, and disposal thereof, shall be the same as in towns.

^{20 Me. 298.}

Sec. 200. First assessors to return to county commissioners inventory of polls and estates; corrected and forwarded to treasurer of state for basis of taxation. R. S. c. 4, § 146. The assessors first chosen in plantations organized under section one hundred ninety-two, shall immediately take an inventory of the polls and valuation of the property therein, as the same are taken in towns, and return them on or before the fifteenth day of May following their election, to the county commissioners of their county, who may examine and correct the same so as to make it conform to the last state valuation, and return a copy of such corrected valuation to the treasurer of state, 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, may raise money by taxation for making and repairing ways in compliance with chapter twenty-seven, sections forty-eight and one hundred and eight. Such inventory and valuation in any plantation shall be so taken, corrected, and returned to the treasurer of state, whenever required by him.

^{20 Me. 298.}

Sec. 201. Power to raise and expend money for schools, poor, etc. R. S. c. 4, § 147. All plantations may raise and expend money for the support of schools, and making and repairing school-houses, as provided in chapter nineteen, sections _____, one hundred _____ and one hundred _____; for support of the poor, as provided in chapter _____, section _____; and sums necessary for legal plantation expenses.

^{See c. 13, §§ 101 to 107; 7 Me. 125, 133; 14 Me. 24; 20 Me. 298; 52 Me. 595, 598;}

^{54 Me. 250.}

Sec. 202. Organized plantations to consist of one township. R. S. c. 4, § 148. Organized plantations shall not be composed of more than one township; and when organized under section one hundred ninety-two, former organizations cease.

Sec. 203. First valuation of towns to be forwarded to county commissioners, and copy sent to treasurer of state. R. S. c. 4, § 149. When towns are incorporated, the assessors thereof shall return to the county commissioners of their county the original valuation first taken in their towns, on or before the fifteenth

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day of May next following their incorporation, and said valuation shall be examined, corrected and a copy thereof returned to the treasurer of state, to become the basis of state and county taxes in the same manner as the valuations of plantations, as provided in section two hundred.

Sec. 204. If assessors neglect, county commissioners to appoint assessors to return valuation. R. S. c. 4, § 150. 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 treasurer of state 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.

Sec. 205. Such assessors to be paid by county commissioners. R. S. c. 4, § 151. 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.

Sec. 206. Plantations may be reorganized. R. S. c. 4, § 152. Plantations organized upon application of three or more inhabitants, may at any time be reorganized under this chapter.

Note. Election of school committee, c. 19, § 40; of superintendent of schools, c. 19, § 43; of fire wards, c. 34, § 6.

Duties of municipal officers as to lists of voters, c. 6, § 36 et seq.; as to election, c. 7, § 35 et seq.; as to forest fire wardens, c. 11, § 29; as to armories, drill rooms, and target ranges, c. 18, §§ 52-53; as to licensing auctioneers, c. 45, § 1; pawnbrokers, c. 46, § 1; as to intelligence officers, c. 46, §§ 6, 11; innholders and victualers, c. 35, § 1; public exhibitions, c. 36; as to cultivation of clams, c. 49, § 55; sale of fireworks, c. 140, § 16; appointment of inspectors of flour, c. 48, § 1; inspectors of milk, c. 41, § 11; measurers of salt, corn, and grain, c. 52, § 33; inspectors of oils, c. 48, § 25; inspectors of leather, c. 48, § 9; sealers of weights and measures, c. 52, § 8; inspectors of meters, c. 67, § 20.

Municipal officers may enlarge burying-grounds, c. 24, § 8; may direct location of certain trades, c. 26, § 9; c. 34, § 12; shall license engineers of steam plants, c. 26, § 30; may examine defective chimneys and dangerous buildings to guard against fire, or other casualty, c. 34, §§ 13, 34; c. 26, §§ 35-39; may make regulations for keeping explosives and illuminating substances, c. 34, § 20; shall appoint commission of buildings, c. 34, § 25; shall license erection of steam and gasoline engines, c. 26, § 23; shall enforce law as to dairy products, c. 41, § 5.

Duties of the municipal officers to maintain highway monuments, c. 27, § 11; and guideboards, c. 27, § 108; as to railroad bridges and crossings, c. 62, § 66; as to gates at railroad crossings, c. 62, § 66; as to permits for opening streets, c. 67, § 12; as to permits for erection of poles and wires in streets, c. 67, § 27; as to jury list, c. 119, § 1; as to unlawful assemblies, c. 134, § 16; as to gambling houses, c. 136, § 1.

Towns: May make by-laws as to truants, c. 19, § 73; may establish workhouses, c. 153, § 1; town houses of correction, c. 153, § 7; regulations for taking clams, c. 49, § 62; liability of, for neglect to maintain ferries, c. 30, § 2.

Town treasurer: Duties of, as to standard weights and measurers, c. 52, § 4; as to jury list, c. 119, § 1; state pensions, c. 158, § 6.

Town clerk: Shall forward to state library copies of town reports, c. 4, § 18; shall communicate name of town treasurer to state auditor, c. 5, § 64; shall not draft any instrument which he is required by law to record, c. 15, § 14; shall keep record of births, deaths, and marriages, c. 72, §§ 24 and 30; shall notify secretary of local board of health, of any death from tuberculosis, c. 72, § 20; duties as to jury list and draft of jurors, c. 119, §§ 1 and 11.

Assessors: Duties of, as to registration of voters in cities, c. 6, § 10 et seq.; as to list of voters in towns, c. 6, § 35; to make enumeration of poultry, c. 12, § 19; to keep record of pure blood cattle kept for breeding purposes, and report to live stock sanitary commissioner, c. 39, § 14; to enforce law as to dairy products, c. 41, § 5; as to itinerant vendors, c. 45, §§ 11-27; as to return of births, c. 72, § 29.

Collector: Duty of, as to itinerant vendors, c. 45, §§ 11-27.

Municipal corporations: Provisions for weekly payment of wages apply to, unless otherwise requested, c. 53, § 39.

Accounts against towns, cities, or village corporations to be verified by oath, if required, c. 122, § 10.

Relief of dependents of soldiers, sailors, and marines, c. 159, § 1; relief of mothers and dependent children, c. 161, § 1; relief of the blind, c. 158, §§ 17, 20.

CHAPTER 6.

Citizenship. Qualification of Voters. Right to Hold Office. Registration of Voters.

Section 1	Citizenship.
Sections 2-3	Qualification of Voters.
Section 4	Right to Hold Office.
Sections 5-53	Registration of Voters.

Citizenship.

Sec. 1. Citizenship. R. S. c. 5, § 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.

See Const. of U. S. Amend. XIV.

Qualification of Voters.

Sec. 2. Qualification of Voters. R. S. c. 5, § 2. 1919, c. 113. Every citizen who had the right to vote on the fourth day of January, eighteen hundred and ninety-three, together with those who were sixty years of age and upwards on said day, and every male citizen, excepting paupers, persons under guardianship, and Indians not taxed, who, not being prevented by physical disability from so doing, is able to read the constitution of the state in the English language in such manner as to show that he is neither prompted nor reciting from memory, and to write his name, and who is twenty-one years of age or upwards, and shall have his residence established in this state for the term of three months next preceding any national, state, city, or town election shall have the right to vote at every such election in the city, town, or plantation where his residence is so established and such right to vote at national and state elections in such city, town, or plantation shall continue for a period of three months after his removal therefrom, if he continues to reside in this state during said period; provided, however, that his name has been properly entered upon the voting list of such city, town or plantation.

See Const. of U. S. Amends. XV, XIX. Const. of Me. Art. II, Amends. XXIX,

XLIV. See § 20.

Note. Neither the constitution of Maine nor this section have been amended to comply with the XIX amendment of the constitution of the U. S. The section follows the wording of the constitution of Maine.

Sec. 3. Voter claiming exemption from educational test to make declaration under oath. R. S. c. 5, § 3. Any applicant for registration as a voter, claiming exemption from the educational test recited in the preceding section, except those exempted by the provisions of said section, shall declare under oath that he was a legal voter in this state on the fourth day of January, eighteen hundred and ninety-three, and, if required so to do, shall furnish such other reasonable evidence of the truthfulness of his statement as may be satisfactory to the officers whose duty it is to prepare voting lists.

Right to Hold Office.

Sec. 4. Right to hold civil office not to be denied on account of sex. 1920,

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c. 267. No citizen of the United States having a right to vote in this state shall be denied the right to hold any civil office under this state or any subdivision thereof on account of sex.

Registration of Voters.**Sec. 5. Appearance in person to register; where person qualified shall vote.**

R. S. c. 5, § 4. Every person whose name has not been entered upon the voting lists in any city in accordance with the provisions hereof must, if he desires to vote, appear in person at a place provided for registration and prove that he possesses all the qualifications of a voter. Every person qualified to vote, as hereinbefore provided, shall vote only in the ward of the city, and voting precinct thereof, if any, in which he had his residence on the first day of April preceding, or of his becoming an inhabitant after said day.

113 Me. 489.

Sec. 6. Boards of registration; duties; municipal officers to supervise lists in cities of less than three thousand. R. S. c. 5, § 5. 1917, c. 55, § 1. In each city of the state having three thousand or more inhabitants, a board of registration appointed as provided in the following section shall have exclusive power and authority to make up, correct, and revise the list of voters in each of said cities. In all cities having less than three thousand inhabitants, the municipal officers shall make such list, exercising the same powers and being governed by the same laws as municipal officers of towns having five hundred or more registered voters; provided that no city having a board of registration shall be deprived of said board of registration by reason of the population thereof becoming less than three thousand.

84 Me. 64.

Sec. 7. Number, appointment, terms and qualifications, nominations, vacancies; majority may act; members not to be candidates at any election; primary election, or caucus. R. S. c. 5, § 6. 1919, c. 179. Such board shall consist of three members who shall be residents and legal voters of the city where such board is established; they shall not hold any state, county, or city office or be candidates therefor at any election, primary election, or caucus so long as they shall continue members of said board. One member of said board shall be appointed and commissioned by the governor, by and with the consent of the council, for the term of four years. The other two members of the board shall be chosen one from the political party polling the highest number of votes for governor at the next preceding state election, and one from the political party polling the next highest number of votes for governor at said election; they shall each hold their office for the term of three years; each shall be nominated by the city committee of his own political party, and upon due notice thereof in writing, the several mayors of said cities shall forthwith appoint such persons, so nominated, members of said board. If either or both of said political parties refuses or neglects to seasonably nominate a member of such board and to notify the mayor of such city, said mayor shall thereupon select and appoint a member of said board from the political party so neglecting and refusing to nominate, and said mayor shall so appoint in all such cases of vacancy, whether caused by death, resignation, declination, neglect, or refusal to act after being so appointed, or by election or appointment to any state, county, or city office, or however such vacancy may be caused; but in cases of necessity arising from the exigency of the public business, the other two members may proceed therewith as provided by this chapter until such vacancy shall be filled in the manner provided herein. And if any member of said board be absent or disqualified

by sickness or otherwise, such mayor shall upon notice thereof forthwith fill his place by the appointment of some qualified elector of said city of the same political party as the absent member represents, to act in his absence.

Sec. 8. Chairman, powers and duties. R. S. c. 5, § 7. The person appointed and commissioned by the governor shall preside at all meetings of the board, but shall not vote therein except in case of a tie. He shall give notice of the time and place of the sessions of the board, and sign all orders and processes issued by the same. If he is necessarily absent or disqualified by sickness or otherwise during any session of said board, the mayor of said city shall upon notice thereof immediately appoint a qualified elector of the city, who shall be of the same political party as said chairman, to act in his absence.

Sec. 9. Exclusive power to determine qualifications of voters. R. S. c. 5, § 8. Said board shall have the exclusive power and authority to hear evidence and determine the qualification of voters in the city in which it is established. The presiding officer, at the request of any member, shall cause any party or witness appearing before the board to be sworn; any member of the board may administer oaths; and the board shall have power to compel the attendance of witnesses; to punish for contempt; and to issue all processes necessary to the performance of the duties of the board.

Sec. 10. Assessors required to make true lists of all persons liable to pay poll-tax and of women registered voters; corrections. R. S. c. 5, § 9. 1925, c. 147, § 1. The assessors of any city, by one or more of their number or by one or more assistant assessors, shall, in the months of April and May in each year, visit every building in their respective cities and make true lists containing as near as can be ascertained from any owner or occupant thereof, the name, age, occupation, and residence on the first day of April in the current, and his occupation and residence on the first day of April in the preceding year, or of his becoming an inhabitant after said last named day, of every male person twenty-one years of age and upwards, residing therein and liable to be assessed for a poll-tax; and of every female person who is registered as a voter; and shall ascertain if any such person has within the year next preceding the first day of April of the current year moved from said building out of said city and taken up his residence elsewhere, and shall make diligent inquiries and true record concerning all matters required of them in this section. They shall make correction of any error in the name or place of residence of a person assessed, on his personal application therefor, and, on proof of the same, shall make proper correction thereof on their books.

Sec. 11. To transmit lists to boards of registration; street lists, how arranged. R. S. c. 5, § 10. 1925, c. 147, § 2. The assessors shall promptly, on or before the first day of July in each year, transmit to the boards of registration the lists so made, or certified copies thereof, noting therein every change of name or residence of persons assessed a poll-tax by them and of every female person who has been registered as a voter, and, on or before said first day of July in each year, shall prepare street lists containing the name of every person assessed by them, and of every female person who has been registered as a voter, or who has moved out of said city. Such lists shall be arranged by wards or voting precincts, if any. They shall prepare a copy of said street lists and deliver the same to their respective boards of registration on or before the fifteenth day of said July.

Sec. 12. Street lists, contents; board to enter on voting lists name of every person assessed a poll-tax and of women registered voters; to notify assessors of errors. R. S. c. 5, § 11. 1925, c. 147, § 3. The assessors shall, in said street

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lists, arrange all buildings used as residences in the order in which they stand on the street or other place by giving their number or other definite description so that each building can be readily identified, and shall place opposite or under each number, as near as can be ascertained, the name, age, occupation, and place of occupation of every person residing in said building on the first day of April of the current year and assessed a poll-tax, and of every female person who is registered as a voter, with his residence on the first day of April of the preceding year or on the day of his becoming an inhabitant after said last named day. And said board of registration shall enter on the voting lists the name of every person assessed a poll-tax for the current year and of every female person who is registered as a voter, as transmitted to them by the assessors, provided, every such name can be identified as having been borne upon the voting lists of the last preceding election. Each board of registration shall promptly transmit to the assessors of its city notice of any error in the name or residence of a person assessed, together with the name and residence of every male citizen who shall prove for the purposes of registration that he was a resident of the city on the first day of April of said current year, and of every female person who is registered as a voter, but whose name does not appear on the list transmitted to said board by said assessors.

Sec. 13. Penalty for wilfully making false entry of name. R. S. c. 5, § 12. Any assessor or assistant assessor who shall knowingly or wilfully enter or cause to be entered on any list of assessed polls the name of any person as a resident of any building, who is not a resident thereof, shall for each such offence be punished by a fine not exceeding three hundred dollars or by imprisonment in the county jail not exceeding one year.

Sec. 14. Penalty for refusing or neglecting to give full and true information. R. S. c. 5, § 13. Any inmate of a building liable to be assessed for a poll-tax who shall refuse or neglect to give his true name when inquired thereof by any assessor or assistant assessor and any owner or occupant of a building who shall refuse or neglect to give full and true information within his knowledge relating to all persons residing in such buildings, when inquired thereof by any assessor or assistant assessor, or who shall knowingly or wilfully give to an assessor or assistant assessor for the purpose of the assessment of a poll-tax the name of any person as a resident of a building, who is not a resident therein, shall be punished for each offence by fine not exceeding one hundred dollars or by imprisonment not exceeding six months.

Sec. 15. Boards to keep register of all voters. R. S. c. 5, § 14. Boards of registration shall keep a general register of voters containing the names and records of all voters entered from year to year on the voting lists under the provisions of this chapter, giving the full christian name and the surname, or the full name or initial or initials of any other name or names he may have, date of registration, residence on the first day of April of the year of registration or on the day of his becoming an inhabitant after said first day of April, age, place of birth, occupation, place of occupation, how long resident of the city, place of casting his last vote, married or single, residence of wife or family, where naturalized, when naturalized, in what court, arranged under the following heads. When registered, ; name, ; residence, street and number, ; residence April first, street and number, ; place of birth, ; age, ; date of birth, ; occupation, ; place of business, ; how long a resident of city, ; where last vote was cast, ; married or single, ; residence of wife or family, ; where naturalized, ; when naturalized, ; by what court, ; remarks.

Sec. 16. Applicants for registration must be able to read in the English language. R. S. c. 5, § 15. An applicant under examination for registration shall be required, unless prevented by physical disability from so doing, or unless he had the right to vote on the fourth day of January, eighteen hundred and ninety-three, or unless he was sixty years of age and upwards on said day, to read in the English language other than the title, so much as may be necessary, from an official edition of the constitution in such manner as to show that he is neither prompted nor reciting from memory, and to write his name in a book kept for the purpose. The name of the applicant, if admitted to registration, shall be announced in a clear, audible, and distinct voice before entering his name on the register.

Sec. 17. Requirements made of applicant who is a naturalized citizen. R. S. c. 5, § 16. In making examination of an applicant who is a naturalized citizen, he shall be required to produce for inspection his papers of naturalization, or a certificate of the same from the court where he was naturalized, and to make oath that he is the identical person mentioned therein, and said board, if satisfied that he has been legally naturalized, shall make a record or memorandum upon said paper of the date of such inspection and enter it upon the general register, and also, in a book kept for the purpose, the name and location of the court by which said papers were issued, with the date thereof and the date of said inspection, together with the name of said applicant as it is spelled and recorded in said papers, which need not again be produced before said board for examination after they have once been passed upon and the above minutes thereof recorded on the papers and in the general register.

Sec. 18. Meetings of board to be public; record of names added to or stricken from lists. R. S. c. 5, § 17. All meetings of said board of registration shall be open and public and shall close on each day at nine o'clock in the afternoon, except as hereinafter provided. A record shall be kept of all names added to or stricken from the voting lists and of all other proceedings of said board. No name shall be added to or stricken from said voting lists except during the open sessions of said boards.

Sec. 19. To prepare lists of voters thirty days before election; certified copy to be furnished city clerk and posted; in case of special election new lists not required. R. S. c. 5, § 18. Said boards of registration shall prepare ward lists of voters of such persons as appear to them to be legally qualified voters at least thirty days before any election to be held for any purpose by placing upon such lists all the names which appear upon the voting lists for the last preceding election, except the names of such persons as have died, or ceased to reside therein, or shall appear to said board to have otherwise become disqualified to vote therein since said preceding election, but no new name shall be added during such preparation nor any other correction or revision of said list, except the correction of errors discovered to have been of the board's own making. And a certified copy of all such lists made in accordance with this section shall be furnished to the clerk of such city by said board at least thirty days prior to any such election, and said clerk shall post said certified copies of said lists of voters in their respective wards at or near the several voting places customarily used as such in said cities, at least twenty-seven days prior to any such election; provided, however, that in case of a failure to elect any municipal officer at any election, or any person elected declines to serve, so that a special election is held to fill the vacancy, or in case of a special election to choose representatives to congress or members of the legislature, the board shall not be required to prepare or the city clerk to post a new list of voters, and for this purpose said

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board shall be in session the three secular days next preceding said election, the first two thereof to be devoted to registration of voters, and the last of said secular days to enable the board to verify the correctness of said lists and to complete and close up its records of said sessions.

See c. 8, §§ 41, 67, 71.

Sec. 20. Sessions of boards; names to be placed upon lists only by personal request; voter who moves into another ward not required to appear before board to have name transferred; names may be added on election day if omitted by error of assessors or boards; aggrieved party may have case determined by S. J. Court. R. S. c. 5, § 19. 1917, c. 69. 1921, c. 171. 1923, c. 129. In cities of over fifty thousand inhabitants said boards of registration shall be in session on each of the thirty secular days next prior to any election; on the first eighteen of said secular days in open session from nine o'clock in the forenoon to one o'clock in the afternoon, and from three to five o'clock in the afternoon, and from seven to nine o'clock in the afternoon, to receive evidence touching the qualifications of voters therein, and to revise and correct the voting lists, and on the latter twelve of said secular days in closed session to enable the board to verify the correctness of said lists and to complete and close up its records of said sessions; in cities of less than fifty thousand and over twenty-five thousand inhabitants, said boards shall be in session on each of the sixteen secular days next prior to any election; the first ten days thereof in open session, and the latter six days thereof in closed session, during the hours and for the purposes as above provided; in cities of less than twenty-five and over ten thousand inhabitants, ten secular days, the first seven days in open session and the latter three days in closed session as above provided; and in cities of less than ten thousand inhabitants, nine secular days, the first six days in open session and the latter three days in closed session. No name, except as hereinafter provided, shall be added to or stricken from the general register of voters after nine o'clock in the afternoon of the last of said days devoted to registration as above. Said board shall not place upon said voting lists during said revision of the same the name of any person who shall not personally appear before said board in open session and request it; but nothing in this chapter shall be so construed as to require any voter, whose name is already upon any ward list and who afterwards moves from said ward to any other ward in said city, to appear personally before said board in order that his name may be transferred from one ward list to another. On the last of said secular days devoted to the completion of the records as above provided, the sessions of the board shall close at five o'clock in the afternoon, and certified copies of said voting lists shall at that hour be delivered to the clerks of said cities and receipts taken therefor. The wardens of cities shall be governed by said revised and corrected lists; and no names shall be added to or stricken from said lists on the day of election, except as hereinafter provided, and no person shall vote at any election whose name is not on said lists. No board of registration shall be answerable for any omission of a name or residence from said voting list or for any error in the same, unless such name and residence are correctly entered in said general register of voters; but on the day of election said board shall be in session, and shall give to any voter whose name has been stricken from said general register or omitted from said voting list through any error of the assessors or said board, or in whose name or residence as placed on said voting list a clerical error has been made, a certificate signed by a majority of the board, giving the corrected name and residence of such person, and directed to the officer presiding over the election; such officer shall on receipt of such certificate, allow the person therein named to vote and shall check his name on

said certificate, and securely attach said certificate to said voting list. In case any person is aggrieved by any order or decision of said board, the whole case, upon petition for mandamus, shall be re-examined and determined by any justice of the supreme judicial court in said county, which determination, however, shall not affect any election held prior to said decision of said justice. No costs shall be allowed either party in any such proceeding.

Sec. 21. Proceedings in case of challenge of voter; duty to notify city clerk of change of residence; record of changes. R. S. c. 5, § 20. 1917, c. 237. When the right of any person to have his name placed upon such list is challenged by any qualified elector, or when the right of any person to have his name remain upon such list is so challenged, before said board shall add to or strike from said list the name of any such person, the board or any member thereof shall issue a notice and summons to said person so challenged and allow him a reasonable opportunity to be heard. Such notice and summons shall be served upon such person by an officer qualified to serve civil process, by giving him in hand or by leaving at his last and usual place of abode an attested copy of said notice and summons, at least six hours before the closing of the final session of the board devoted to the revision and correction of the voting list. Said person and said board may also summon and examine other witnesses before said board concerning his right to vote, and if it appears to said board that such person is not or will not be qualified to vote at such election, they shall cause his name to be erased from said list and not add it thereto. And the list of voters in cities made under this chapter shall state the street, and so far as practicable, the number of the street where each voter resides. The residence of a voter as stated upon the list of voters used at the last preceding election shall be deemed his last and usual place of abode, unless he shall have given notice in writing, over his own signature, or in person to the city clerk of a change of his residence, which notice, if given after the first day of April, shall entitle him to have his residence so corrected on the voting list to be used at the next subsequent election, but shall not entitle him to have his registration otherwise changed, nor to vote in ward or precinct other than that in which he resided on said first day of April. Said clerk shall keep a record of all notices of change of residence, which record shall at all times be open to public inspection.

Sec. 22. Clerks of cities to be custodians of records; duties; penalty for neglect. R. S. c. 5, § 21. The clerks of cities shall be custodians of the records of said boards and of the revised and corrected lists of voters prepared by said boards for use at any election, and shall seasonably transmit to the wardens of cities a true and attested copy of such lists for their use on election day; and said clerks shall keep said lists one year and furnish certified copies thereof on application of any person and payment therefor, within ten days thereafter; for failure so to do they shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year. The wardens and ballot clerks shall certify on said voting lists that they are the lists used by them respectively at said elections.

Sec. 23. Duty of cities in respect to registration. R. S. c. 5, § 22. 1921, c. 68. Cities where such board is established shall provide a suitable place for holding the sessions of said board, and pay for the services of such officers as said board may employ and have in attendance to preserve order and execute its precepts. Said cities shall also pay the necessary and reasonable expenses including blank books, stationery, and the necessary assistance of clerks. All witness fees shall be paid at the established rates of fees before municipal courts.

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Sec. 24. Notice of Meetings. R. S. c. 5, § 23. Notices of the time and place of the sessions of such board to revise and correct said voting lists shall be given by the president thereof and posted by the clerks of said cities at the same time and place as are the certified copies of the lists of voters; and the voting lists as revised and corrected by said board of registration shall be used at each election held in said cities in the several wards thereof.

Sec. 25. Right of challenge; person challenged to state place of birth, occupation, business, etc.; penalty; note of challenge to be made on ballot and check list. R. S. c. 5, § 24. 1917, c. 68. Any qualified elector in said cities may challenge the right of any person to vote in any ward of said cities at any election held therein and shall be given the opportunity by the presiding officer thereof to make such challenge, and such presiding officer shall note the fact of such challenge upon the voting list used in such ward, and upon such ballot so challenged, witnessed by two election officers representing two different parties. But before permitting a person so challenged to vote the warden shall cause him to state his place and date of birth; occupation; place of business; whether married or single; if married, the name and residence of his wife; how long a resident of the city; and where his last vote was cast, which answers shall be reduced to writing on blanks furnished for that purpose by the city clerk, and signed by the voter, whose signature shall be witnessed by two election officers representing two different parties. The warden shall promptly return all such records to the city clerk, who shall keep them on file for public inspection for one year. Any failure to comply with the provisions of this section shall be a misdemeanor and be punishable as provided in section thirty of this chapter.

Sec. 26. Where notices shall be posted. R. S. c. 5, § 25. All notices of said boards, assessors, city clerks, or of any other public officer relating to registration of voters or to elections shall be posted at or as near as may be to the places designated for receiving votes on election days.

Sec. 27. Lists of deceased voters to be furnished board. R. S. c. 5, § 26. The clerk or register of deaths of each city shall, at least thirty-three days before each election, and on the first day designated by said boards for the revision and correction of the voting lists and also on the last of said days set apart for such revision and correction, transmit to said boards a certified list of the names of all male persons over twenty-one years of age deceased since the preceding election or since the date of the preceding list, with the ward, street, and number where such person resided at the date of death.

Sec. 28. Police officers to attend meetings of board. R. S. c. 5, § 27. The board or officer in charge of the police force of any city, upon request so to do by said board, shall detail a sufficient number of police officers to attend any meeting held by said boards and preserve order and enforce the orders of said boards.

Sec. 29. Refusal or neglect to enforce educational test; penalty. R. S. c. 5, § 28. Any member of said boards who refuses or wilfully neglects to require any applicant for registration to whom the same is applicable to read a portion satisfactorily to a majority of said board, other than the title, from some official edition of the constitution, in such manner as to show that he is neither prompted nor reciting from memory, or to require such applicant to write his name in a book kept for the purpose, unless he is prevented by physical disability from so doing, or who knowingly prevents or seeks to prevent the registration of any legal voter, or who knowingly registers the name of any person not qualified to vote, or who is guilty of any fraud or corrupt conduct

in the execution of the duties of his office shall for each offence be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding two years.

Sec. 30. Penalty, if any city officer refuses or neglects to perform duty. **R. S. c. 5, § 29.** Any city officer who wilfully neglects or refuses to perform any duty required of him by law in matters relating to the registration of voters shall for each offence be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding two years.

Sec. 31. Penalty, if a person registers falsely. **R. S. c. 5, § 30.** Whoever causes his name to be placed upon the list of voters of more than one ward in any city for the same election, or causes any such act, or aids or abets any person in such act shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding one year.

Sec. 32. Penalty, for making false statement regarding the qualification of any person for assessment of tax or for registration, etc. **R. S. c. 5, § 31.** Whoever knowingly or wilfully makes a false affidavit, or takes a false oath, or signs a false certificate regarding the qualification of any person for the assessment of a tax or for registration, or injures or defaces any list of voters or any notice relating to the registration of voters in any city, or prevents or interferes with, or aids or abets any person in preventing or interfering with any public officer in the discharge of his duty relating to the registration of voters shall for each offence be punished by a fine not exceeding three hundred dollars or by imprisonment in the county jail not exceeding one year.

Sec. 33. Penalty for false registration or attempt to personate another, etc. **R. S. c. 5, § 32.** Whoever causes his name to be registered knowing that he is not a qualified voter in the place where so registered, or falsely represents or attempts to represent himself as another person before any board of registration, or gives a false answer to said board concerning any matter relating to the registration of a voter or the right of any person to vote, or aids or abets any other person in doing either of the acts above mentioned shall for each offence be punished by a fine not exceeding three hundred dollars or by imprisonment in the county jail not exceeding one year.

See c. 8, § 110.

Sec. 34. Penalty for refusing to obey board or for obstructing proceedings. **R. S. c. 5, § 33.** Whoever refuses to obey the lawful orders or directions of any board of registration, or interrupts or obstructs the proceedings at any meeting for registration shall be arrested, detained in custody until a warrant can be procured, and shall for each offence be punished by a fine not exceeding fifty dollars or imprisonment not exceeding sixty days.

Registration by Municipal Officers.

Sec. 35. Assessors to prepare lists of voters and deliver to selectmen. **R. S. c. 5, § 34.** In every town where the selectmen are not assessors, the assessors, on or before the first day of August in each year in which an election of governor, senators, and representatives is held, shall prepare a list of the persons whom they judge to be constitutionally qualified to vote therein at such election, and deliver it to the selectmen.

*113 Me. 546.

Sec. 36. Selectmen to prepare corrected list. **R. S. c. 5, § 35.** The selectmen of every town, on or before the eleventh day of August in every such year, shall prepare a corrected list of persons so qualified.

See c. 8, § 117.

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Sec. 37. Sessions of selectmen to correct lists; notice. R. S. c. 5, § 36. In every town, having by the census of the United States, then last taken, more than three thousand inhabitants, the selectmen shall be in open session to receive evidence of the qualifications of persons claiming the right to vote at any such election, and for the correction of said list, for a reasonable time, on not more than two days, between the eleventh and eighteenth days of August in every such year, giving previous notice of the time and place of each session, as their town meetings are notified.

*76 Me. 160.

Sec. 38. Lists to be deposited with clerk and posted. R. S. c. 5, § 37. On or before the twentieth day of August in every such year, the selectmen shall deposit in the office of the town clerk an alphabetical list of voters thus prepared and revised, and post a similar list in one or more public places in the town.

See c. 8, §§ 106, 117.

Sec. 39. Names not to be added or stricken out except as provided herein; names may be added at regular sessions on evidence. R. S. c. 5, § 38. After such lists are thus prepared, deposited with the clerk, and posted, the selectmen shall not add thereto, nor strike therefrom, the name of any person, except in open session on one of the days prescribed by law for receiving evidence of the qualifications of voters; nor shall they strike from said list the name of any person residing in the town, without notice first given to him that his right to vote is questioned, and an opportunity for a hearing on one of such days. But at any regular session for receiving such evidence, the selectmen shall place on the list of voters the name of every person known by, or proved to them to be so qualified, whether he applies therefor or not.

See c. 8, §§ 109, 117.

Sec. 40. Selectmen, duties respecting papers of naturalization; indorsement and registry. R. S. c. 5, § 39. When a person of foreign birth exhibits to the selectmen of his town papers of naturalization, issued to him in due form by a court having jurisdiction, they shall, if satisfied of their genuineness and that such person is entitled to vote, approve such papers by a written indorsement thereon, with the date thereof, signed by one of them; register in a book kept for that purpose the name of the person, the date of the papers, the date of approval, and the name of the court by which they were issued; cause the name of such person to be entered on the list of voters; and continue his name on the successive lists so long as he continues to reside there and is in other respects qualified to vote. If they are of opinion that such papers are not genuine, or were not issued to the person presenting them, or that he is not for other cause a voter, they shall not approve them or perform the other acts required; but he shall not, by their refusal to approve his papers or to enter his name, be deprived of his right to vote, upon satisfactory proof.

Sec. 41. Registration in towns having five hundred or more voters, and in small cities; changes in list may be made on election day. R. S. c. 5, § 40. 1917, c. 55, § 2. In all towns, cities not included, having five hundred or more registered voters, and in all cities having less than three thousand inhabitants, the municipal officers shall receive applications of persons claiming a right to vote, on the three secular days next preceding the day of election, and no application shall be received after the hour of five in the afternoon on the secular day next preceding the day of election; and no names shall be added to the list of voters on the day of election, by certificate or otherwise, except such as were upon the list used at the last preceding election, and have been inad-

vertently omitted by the selectmen; and on that day no change shall be made in names except to correct clerical errors therein.

Sec. 42. Registration in towns under 500 voters. R. S. c. 5, § 41. In every town containing less than five hundred voters, the municipal officers shall be in session on the day of any such election to receive and decide on such applications, at some convenient place, for so long a time immediately preceding the opening of the polls as they think necessary, and shall hear and determine any such application at any time before the polls are closed.

Sec. 43. Notice of sessions. R. S. c. 5, § 42. The municipal officers shall order notice of the time and place of all their sessions required or authorized in the two preceding sections, to be given in the warrant for calling the meetings for such elections.

^{3 Me. 310.}

Sec. 44. Lists of voters. R. S. c. 5, § 43. The selectmen shall make a correct alphabetical list of the inhabitants in their towns qualified to vote in the choice of town officers, and deposit it in the office of the town clerk, and post a copy thereof in one or more public places in such town, on or before the twentieth day of February, annually.

^{See c. 8, §§ 106, 117; 3 Me. 296.}

Sec. 45. Selectmen's sessions to correct lists held on March election day or the secular day preceding. R. S. c. 5, § 44. They shall be in session at some convenient time and place to be by them notified in the warrant for calling the meeting in such town, on the secular day next preceding the annual election in March, or on the morning of the day of election, to hear and decide upon the applications of persons claiming to have their names entered upon said list; and such session, when held on a secular day preceding the election, shall continue at least three hours, and when held on the day of election, shall continue until the election of town officers required by law to be elected by ballot has been completed.

Sec. 46. Check list to be kept for choice of town officers. R. S. c. 5, § 45. The town clerk shall have the list of voters provided for by the two preceding sections at every town meeting held for the choice of town officers required by law to be chosen by ballot, and it shall be kept and used as a check list at the polls by said clerk or moderator at such meeting, in the manner prescribed for selectmen or assessors by section twenty-eight of chapter seven; if demanded by one-third of the voters present.

^{*96 Me. 434.}

Sec. 47. Penalty if clerk or moderator neglects or refuses. R. S. c. 5, § 46. If the town clerk or moderator presiding at such meeting wilfully neglects or refuses to comply with the preceding section, he forfeits not less than fifty, nor more than one hundred dollars, to be recovered in an action of debt in the name and for the use of the town, to be prosecuted by the treasurer at the request of any voter therein.

^{See c. 8, §§ 104, 117.}

Sec. 48. Board of registration and municipal officers acting as such, when registering voter coming from another town in state, shall notify officers of latter town. 1917, c. 109. Whenever an applicant for registration before any board of registration or the municipal officers of any town acting as a board of registration states his last voting place as a city or town in the state of Maine, and the board determines that the applicant is entitled to register, it shall immediately notify by mail the board of the city or town where such person last voted, of such registration and the board, receiving such notice, shall at its first meeting strike from its list the said name, if satisfied as to the identity of the person.

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Sec. 49. Citizens may file complaints with supreme judicial court relating to names on voting lists; procedure. 1927, c. 75, § 1. Any citizen of the state of Maine may, in term time or vacation, file a complaint with the supreme judicial court stating that his name or that of some other citizen is illegally kept from or placed upon the list of qualified voters of a certain city, town, or plantation, and the facts upon which the complaint is based, and thereupon the presiding justice in term time or any justice of the supreme judicial court in vacation shall order service by copy on the officials in charge of placing names on said list of qualified voters and by copy on the citizens named in the petition other than the complainant, and set a time and place for a hearing. The decision of the justice of the supreme judicial court hearing the case shall be final on questions of fact, but appeals may be had on questions of law as in equity cases. The justice hearing the case may on petition award costs as in equity cases.

Sec. 50. Clerks of courts to certify decision to election officials. 1927, c. 75, § 2. The clerk of the supreme judicial court shall certify the decision under the above section to the officials in charge of the list of voters in question, and said officials shall thereupon make up their lists in accordance with the decision.

Sec. 51. Name under which women voters may register. 1921, c. 157. Any married woman or widow may use her family name as a part of the name by which she shall be registered as a voter.

Sec. 52. Married women to be registered under given and married surname. 1925, c. 145, § 1. Every married woman now registered, or who shall hereafter register as a voter, shall be registered under her given and married surname.

Sec. 53. Registered women voters to notify registration board of change in surname. 1925, c. 145, § 2. Whenever an unmarried registered woman voter shall assume through marriage, or a married registered woman voter shall assume through any process of law a new surname, she shall notify the registration board of said change, in person, and the board shall then re-register in accordance with the preceding section.

CHAPTER 7.

Nominations of Candidates for Office.

Sections 1-28	Nominations by Primary Elections.
Sections 29-36	Nominations of Candidates not included in the Primary.
Sections 37-49	Political Caucuses.
Section 50	Protection of Political Meetings.

Nominations by Primary Elections.

Sec. 1. Nominations to be made by primary elections; "political parties" defined. R. S. c. 6, § 1. All nominations of candidates for any state or county office, including United States senator, member of congress, and member of the state legislature, shall hereafter be made at and by primary elections to be held in accordance with the provisions of this chapter. Every political party entitled by law to representation upon the official ballot at state elections held biennially on the second Monday in September, or at any special election for state or county officers or for members of congress or members of the legislature, shall nominate all its candidates for such offices, to be voted for at such elections under the provisions of this chapter and not in any other manner. The term "political parties," as used in this chapter, is hereby declared to mean such political parties as at the gubernatorial election next preceding any such primary election polled at least one per cent of the entire vote cast in the state for governor. Nothing in this section shall be construed as preventing the nominations of candidates under section thirty-one of this chapter.

Sec. 2. State convention; its powers; organization of committees; vacancies. R. S. c. 6, § 2. Not less than sixty nor more than ninety days before the third Monday in June of each year in which a state election is held biennially, the political parties aforesaid shall each hold a state convention with such basis of representation and at such time and place and with such requisites as to call thereof and notice therefor as the state committee of each such political party may determine. At any such state convention the political party so represented shall formulate and adopt its declaration of principles, or platform, for the state election then next ensuing, elect a state committee, a district committee for each congressional district, and a county committee for each county, severally of such number and to be elected in such manner as the convention may determine. The chairman and secretary shall thereupon forthwith certify to the secretary of state the platform so adopted and the names of the members of the committees so elected. Such committees shall thereafterwards, as soon as reasonably practicable organize by the choice of a chairman and secretary and certify such organization to the secretary of state; they may elect all other officers deemed needful, hold office until their next state convention hereunder, and perform such duties as may be imposed upon them by their respective state conventions. All vacancies for unexpired terms shall be filled by the county committee of the county wherein such vacancy occurs, and due certificate thereof made to the secretary of state. All such state conventions may transact such other business as shall not be inconsistent with the provisions of this chapter.

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Sec. 3. City and town committees, election and tenure. R. S. c. 6, § 3. All the city, ward, town, plantation, and representative class committees of the political parties aforesaid shall be elected in such manner and with such tenure of office and duties as the appropriate political party within such city, ward, town, plantation, or representative class may from time to time determine. Each such committee shall fill all vacancies in its membership.

Sec. 4. Committees to be deemed regularly elected. R. S. c. 6, § 4. All committees created, elected, or recognized under sections two and three shall be deemed to be regularly elected general or executive committees within the meaning of section thirty-five and of all other provisions of this chapter.

Primary Nomination Papers.

Sec. 5. Nominations for places on ballots; requirements of nomination papers. R. S. c. 6, § 5. Nominations for places on the ballots to be used at primary elections shall be made for each of the political parties entitled as aforesaid to representation thereon by nomination papers signed in the aggregate for each candidate of each political party by qualified voters within the electoral division or district, wherein such candidate is to be voted for, in number not less than one per cent nor more than two per cent of the entire vote cast for governor in the last preceding state election in the state at large, if the office for which such candidate is to be voted for is to be filled by the voters of the state at large or is for the office of United States senator, otherwise not less than one per cent nor more than two per cent of such gubernatorial vote within the electoral division or district wherein such proposed candidate is to be voted for. All such nomination papers shall besides containing the names of the proposed candidates specify as to each, first, the name of the office for which he is proposed as a candidate; second, the political party which he represents; third, his place of residence. There shall not be in any nomination paper the name of more than one candidate proposed for nomination. Nomination papers shall be signed by members of the political party named therein for which the nomination is made. Each voter signing a nomination paper shall make his signature in person and add to it his place of residence. Each voter may subscribe his name to one nomination for a candidate for each office to be filled, and no more, except in cases where the office is to be filled by more than one person, and in such cases only to the extent of such number. One of the signers to each such separate paper, or the person circulating the same, shall make oath thereon, or by certificate of oath annexed thereto, that he believes the signatures are genuine and that the persons signing are members of the political party named therein and that they reside within the electoral division or district for which the nomination is proposed. The state at large shall be considered an electoral division within the meaning of this section; provided, that nothing herein shall make it necessary for nomination papers for any candidate to be signed in the aggregate by qualified voters greater in number than ten per cent of the last gubernatorial vote cast by the party of such candidate within the electoral division or district wherein such candidate is to be voted for.

The Filing of Nomination Papers.

Sec. 6. Nomination papers, when to be signed and filed; nomination papers may be amended; vacancies; papers preserved for one year. R. S. c. 6, § 6. 1919, c. 160, § 1. No such nomination papers shall be signed before the first day of January of the year in which such primary election is to be held, and

all such nomination papers shall be filed with the secretary of state on or before the third Monday in April of said year. With such nomination papers there shall also be filed the consent in writing of the persons so proposed thereby as candidates, agreeing to accept the nomination if nominated at the primary election, not to withdraw, and, if elected at the state election, to qualify as such officer. Such nomination papers so filed, and being in apparent conformity with the provisions hereof, shall be deemed to be valid; and, if not in apparent conformity, they may be seasonably amended under oath. In case any person who has been duly proposed as a candidate under the provisions hereof shall die before the day of the primary election, or shall withdraw in writing, so that the nominations shall be less than the number of the candidates required to be voted for by law, the vacancy may be supplied in the manner herein provided for such original nomination; or, if the time is insufficient therefor, then the vacancy may be supplied by the appropriate committee of the state, district, county, city, town, plantation, or representative class by which such candidate is to be elected. Certificates for supplying the vacancy and the manner of placing the name of the nominee upon the ballots shall conform to the provisions of section thirty-five. All nomination papers when filed shall forthwith be opened and kept open under proper regulations to public inspection, and the secretary of state shall preserve the same in his office not less than one year.

Sec. 7. Nominations for United States senators. R. S. c. 6, § 7. Whenever one or more United States senators are to be elected at the biennial state election held on the second Monday of September, the nominee or nominees for such office or offices, of each political party, shall be chosen at the primary election held on the third Monday in June preceding. Nominations therefor shall be made and filed as hereinbefore provided. Where but one United States senator is so to be elected, the nomination papers and official ballot shall specify simply the office of United States senator. When, however, two United States senators are so to be elected, the nomination papers and ballots shall by apt words designate the respective terms for which they are to be nominated.

Sec. 8. Ballots, how made up; order of offices; names to be in alphabetical order; printing, color, and size of ballots. R. S. c. 6, § 8. Every ballot which shall be printed in accordance with the provisions of this chapter shall contain the names and residences of all candidates whose nominations have been duly proposed hereunder for any office specified in the ballot, and not withdrawn in accordance herewith, and the office for which they have been severally proposed through the nomination papers filed as aforesaid, and shall contain no other names. The order of offices shall be the same as in the regular September election, except that when nominations for United States senators are to be made, said office of United States senator shall be first on said ballots. The name of each person for whom as a candidate for nomination a valid nomination has been filed shall be printed on the ballot in but one place. The names of the candidates for nomination to each office shall be arranged under the designation of the office in alphabetical order, according to surnames. There shall be left at the end of each list of candidates for nomination to each office a blank space or spaces, in which the voter may write or paste the name or names of any person or persons not printed on the ballot for whom he desires to vote as a nominee or nominees for such office, the number of blank spaces so left to be equal to the number of nominees to be selected for such office. The ballot shall be printed so as to give each voter a clear opportunity to designate his choice for candidates for nomination by making a cross (X) to the right of the name of each candidate he wishes to vote for as a nominee to each office;

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and on the ballot shall be printed such words as will aid the voters to do this, "Vote for one," "Vote for two," and the like. At the top of the ballot there shall be printed in capital letters, "make a cross (X) in the square to the right of the name of the person you wish to vote for. Follow directions as to the number of candidates to be marked for each office. Add names by writing or pasting stickers in blank spaces and mark cross (X) to right of such names. Do not erase names." The ballots shall be printed on tinted paper, of a separate tint for each political party, white for the party casting the highest vote for governor at the last preceding state election, yellow for the second highest, blue for the third highest, green for the fourth highest, other colors for others if any, and brown for specimen or sample ballots. They shall be of uniform size for all political parties and folded before distribution in marked creases so as to be of uniform length and width and conceal the interior contents. On the back shall be printed so as to be visible when folded, "Official Nominating Ballot," followed by the designation of the polling place for which the ballot is prepared, the date of the primary election, and a fac-simile of the signature of the secretary of state.

Sec. 9. Ballots to be furnished by secretary of state; number to be provided for primary elections; clerk of town may apply for larger supply of ballots.

R. S. c. 6, § 9. All ballots, printed notices, sample ballots, and cards of instructions shall be furnished by the secretary of state, at the expense of the state, in the same manner as in the case of regular elections. He shall provide and furnish for each voting place or precinct at which an election is to be held, not less than sixty of each party primary nominating ballots for every fifty votes and fraction of fifty votes cast by that party in said voting place or precinct at the next preceding election, city, county, state, or national, corresponding to the election for which said primary election is to be held and for which said ballots are provided. All ballots, printed notices, sample ballots, and cards of instruction shall be forwarded by the secretary of state to the respective city, town, and plantation clerks, a record thereof made and receipts therefor returned, as provided in section eight of chapter eight; if the city, town, or plantation clerk deems that more than the above number of ballots may be required by any party on account of an increased enrolment, he shall so certify, on or before the date for filing primary nomination papers, to the secretary of state, who shall add the number so asked for to the number of primary nominating ballots sent to that city, town, or plantation. The expense of the calling and holding of the primary elections and the making and forwarding of the returns thereof shall be paid for by the municipalities. All other expenses hereunder shall be borne by the state.

See c. 8, § 8.

Sec. 10. Lists of proposed candidates to be sent to clerks of towns; publication of lists. **R. S. c. 6, § 10.** The secretary of state shall fourteen days at least previous to the day of any primary election transmit to the clerks in each city, town, and plantation printed lists containing the names, residences, and party or political appellations of all candidates proposed for nomination as herein provided for such election and to be voted for at each polling place in each such city, town, and plantation respectively substantially in the form of the ballot to be used therein; and the clerks shall immediately cause the lists for each plantation, town, or ward, as the case may be, to be conspicuously posted in one or more public places in such plantation, town, or ward. The secretary of state shall likewise cause to be published prior to the day of any such election hereunder, in at least two newspapers, if there be so many, printed

or published in each county, representing so far as practicable the political parties which at the preceding gubernatorial election cast the largest and next largest number of votes, a list of all the nominations proposed, as herein provided and to be voted for hereunder in such county, so far as may be in the form in which they shall appear upon the general ballots. New nominations proposed as hereinbefore provided, to fill vacancies, shall be transmitted, posted, and published promptly, and so far as practicable in the manner herein directed, and communications transmitted as herein directed by the secretary of state to any clerk shall be duplicated on the succeeding day.

Sec. 11. Selectmen to issue warrants; posting of warrants; warrants directed to qualified and legally enrolled voters, only. R. S. c. 6, § 11. 1925, c. 62, § 1. 1927, c. 27. Not less than seven days before the third Monday of June preceding a biennial state election, the selectmen of every town, by their warrant, shall notify and warn all legally qualified and enrolled voters to attend at the regular voting places on the third Monday in June for the purpose of voting for persons to be nominated by their respective political parties as candidates to be voted for on the second Monday in September the next ensuing. Said warrant shall be in substance as follows:

PRIMARY ELECTION WARRANT

State of Maine, ss.

County of

To the qualified and legally enrolled voters of the town of

You are hereby notified that the primary election in this town, of all political parties, entitled by law to nominate candidates for the next election, will be held at on Monday, June next, for the purpose of nominating candidates for the following offices to be voted for at the election to be held on the second Monday in September next, viz:

(Here follow the officers to be nominated.)

The polls will be opened at o'clock in the forenoon and continue open until seven o'clock in the afternoon, when they will close.

Voters not enrolled as members of a political party entitled to nominate candidates will not be permitted to vote. Voters entitled to enrolment may cause themselves to be enrolled at the polling places during the primary election on taking and subscribing the oath required by law, but said voters shall not be allowed to vote at any primary election within the next six months following said enrolment unless a new voter, or a voter enrolling for the first time in that municipality.

Dated at, this day of June, 19 ..

.....
.....
.....
Selectmen of

Such warrants shall be posted in the manner required by law for warrants for the state election. Like warrants shall be issued by the mayor and aldermen of cities and assessors of plantations with appropriate changes, and posted in like manner. The meetings may be opened at six o'clock in the forenoon and shall be opened not later than ten o'clock in the forenoon. The polls shall be kept open until seven o'clock in the afternoon and shall then be closed. Notice of the time of opening and closing shall be given in the warrant calling the meeting. In all such warrants appropriate provisions shall be inserted call-

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ing the attention of voters to opportunities for correction of lists of voters by selectmen, municipal officers, or boards of registration in the manner required by law.

Sec. 12. Qualifications of voters, how determined; uniform enrolment in all cities, towns, and plantations provided for; enrolment required; those who have become voters within eight months and those enrolling for first time permitted to enroll and vote. R. S. c. 6, § 12. 1925, c. 62, § 2. 1927, c. 221, § 1. In all such primary elections the qualifications of voters shall be determined by the voting list used at the municipal or general elections of said towns, cities, and plantations, next preceding the primary election and a list of the aforesaid voters enrolled by party designation as provided for in section thirty-eight of this chapter, and no person shall be allowed to vote in any primary election unless the name of said voter appears legally on said voting list and enrolment list, except those who have become of age within eight months preceding said primary election, and a voter enrolling for the first time in that municipality who shall be allowed to enroll and vote.

Sec. 13. Conduct of primary elections; no person to vote unless qualified and enrolled; enrolment to be before boards of registration; penalties. R. S. c. 6, § 13. 1919, c. 165. 1925, c. 62, § 3. 1927, c. 221, § 2. No person shall vote at any primary election unless a legally qualified and enrolled voter at such voting place, as required by the preceding section. The warden of wards in cities shall be seasonably furnished by the board of registration with duly certified copies of all voting and enrolment lists arranging each political party separately and its names of voters therein alphabetically. If not therein enrolled, any voter qualified by law and this chapter as a legal voter may, at such voting place, be enrolled after subscribing and making oath before a ballot clerk of wards in cities, or before one of the municipal officers in towns and plantations to the following statement:

"I,, do solemnly swear that I am a qualified voter in this town, or plantation, or ward, and hereby elect to be enrolled as a member of the party. I am a member of that political party and intend to vote for its candidates at the election next ensuing. I have not taken part or voted at any caucus or primary election as a member of any other political party within the six months last past."

The person before whom said declaration is made and sworn to shall endorse thereon whether the person subscribing and swearing to the same voted at said primary election, and within one week thereafter, said person shall return said statement with the endorsement thereon to the board of registration of the city, town, or plantation wherein said meeting is held, and said board shall thereupon enroll said voter in the enrolment list of the party designated by him. Said statement shall be preserved as public record and shall be prima facie evidence in any court that said person took said oath and voted at said election. A suitable number of such statements shall be furnished at each voting place by the city, town, or plantation; if the number be insufficient or none be furnished, the statement aforesaid may be sworn to as aforesaid, and return thereof made in like manner as if the same had been subscribed. At the polling places in the cities, towns, and plantations aforesaid each person applying to vote shall give his name, residence, party affiliation, and place of last enrolment, if any; if already enrolled six months before in the precinct, he shall be given the ballot of his party, his name shall be checked on the enrolment list, he shall be admitted to the voting booth and vote. If not enrolled, and then enrolled as hereinbefore provided, if a new voter, or a voter enrolling for the first time, he shall be given

the ballot of his party, checked, and may vote as aforesaid. No ballot shall be received containing any distinguishing mark or figure other than as herein permitted. Every city, town, or plantation board of registration, ward, or election officer, or person voting, who shall wilfully violate any of the provisions of this section, shall be punished for each offense by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Sec. 14. Certain sections of chapter eight as to voting applicable. R. S. c. 6, § 14. Except as modified or superseded by the first twenty-eight sections of this chapter, sections fifteen to twenty, both inclusive, of chapter eight shall apply to primary elections, except, however, that in designating his choice of candidates the voter shall mark a cross (X) in the square to the right of the name of each person that he desires to vote for, and the voter, if desirous of voting for any person whose name is not printed upon the ballot, may do so by writing or pasting such name or names in the blank spaces left therefor and marking a cross (X) to the right of such name or names.

Sec. 15. Return of elections, how made; inspection of ballots. R. S. c. 6, § 15. 1919, c. 233. The secretary of state shall seasonably furnish blanks for all voting places on which to make the returns required hereunder. The names of the candidates shall be printed thereon substantially as in the nominating ballot and in the space made for the purpose following each name shall be there entered the number of votes received in that polling place by each candidate. The ballots shall be sorted and the result declared in open plantation, town, and ward meetings. Such record shall be separately made for the political parties respectively having proposed nominees upon the ballot and shall give the number of votes lawfully cast for each of the nominees thereon, following as near as practicable the order of the political parties, officers, and nominees thereon, so as to give the detailed result of such voting. Returns thereof shall be attested by the selectmen and town clerk, in towns, and by the assessors and clerk in plantations, in like manner as at the biennial election for governor. Such clerks shall cause the returns aforesaid to be delivered at the office of the secretary or state, by mail or otherwise, within seven days after such primary election and if not so delivered within said seven days like proceedings shall follow as provided by section forty-seven and by sections fifty to fifty-three, both inclusive, of chapter eight. In cities, the warden shall preside, as required by law at state elections, receive the votes of all qualified voters present, and, as herein required in case of town meetings, sort, count, and declare the results in open ward meetings, and in the presence of the ward clerk, who shall make return and a record thereof, as in towns, and a fair copy of the record shall be attested by the warden and the ward clerk, sealed up in open ward meeting and delivered to the city clerk, within twenty-four hours after the closing of the polls. And the aldermen of each city shall be in session within twenty-four hours after the close of the polls in such meetings, and in the presence of the city clerk shall open, examine, and compare the copies from the lists of votes given in the several wards, of which the city clerk shall make a record, and a return thereof shall be made into the office of the secretary of state in the same manner as selectmen of towns are required to do hereunder.

The clerk of each city, town, or plantation shall permit any candidate or his agent to inspect the ballots cast at any primary election after the same have been returned to him, under such reasonable regulations or restrictions consistent with the right of inspection as will secure every ballot from loss, injury, or change in any respect. Such inspection shall be permitted only after written

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notice by said clerk to the town or ward officers who signed the returns of said election and to the other contesting candidates, sufficient to enable them to be present in person or by agent at said inspection. After each inspection the packages shall be again sealed, and the fact and date of inspection noted on the package. Upon written application filed with the secretary of state within ten days after the returns are opened and tabulated, alleging that the return or record of the vote cast in any town does not correctly state the vote as actually cast in such town, and specifying the offices as to which such errors are believed to have occurred, the secretary of state shall direct such clerk to forward to him forthwith the ballots cast in said town. The governor and council in open meeting shall examine the ballots cast in said town, and returned to the secretary of state, and if such return or record is found to be erroneous the return shall be corrected in accordance with the number of ballots found to have been actually cast in said town; but no such examination of the ballots shall be made without reasonable notice to all candidates upon the ballot for the offices specified in the application as to which such errors are alleged to have occurred, stating when and where such examination will be made and affording such candidates a reasonable opportunity to be present in person or by counsel at such examination and be heard in relation thereto.

Sec. 16. Governor and council to tabulate votes returned; corrections may be made; the vote decided by lot; intention of voters to be considered. R. S. c. 6, § 16. The governor and council, by the first Tuesday of July in each year in which a primary election is held hereunder, shall open and compare the votes so returned hereunder, and have the same tabulated, and forthwith thereafter have forwarded to each candidate a copy of said tabulations of his precinct or district, and may receive testimony on oath to prove that the return from any city, town, or plantation does not agree with the record of the vote of such city, town, or plantation in the number of votes or the names of the persons voted for, and to prove which of them is correct; and the return, when found to be erroneous, may be corrected by the record. No such correction can be made without application within fourteen days after the returns are opened and tabulated, stating the error alleged, nor without reasonable notice thereof given to the person affected by such correction, and during said fourteen days any person voted for may personally, and by or with counsel, examine said returns in the presence of the governor and council, or either of them, or any member of the council, or the secretary of state. The person having the highest number of votes for nomination to any office shall be deemed to have been nominated by his political party for that office, provided, that when a tie shall exist between two or more persons for the same nomination by reason of said two or more persons having an equal and the highest number of votes for nomination by one party to one and the same office, the secretary of state shall give notice to the several persons having the highest and equal number of votes to attend at the office of the secretary of state at a time to be appointed by said secretary, who shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be declared nominated by his party with like effect as if there had been no such tie. To ascertain what persons have received the highest number of votes, the governor and council shall count and declare for any person all votes appearing by said returns to have been intentionally cast for him, although his name upon the return is misspelled or written with only the initial or initials of his christian name or names, or with wrong initials or otherwise as the case may be; and they may hear testimony upon oath, in relation to such returns, in order to get at the intention of the

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voters and shall decide accordingly. When a return is defective by reason of any informality, an attested copy of the record may be substituted therefor.

The secretary of state shall enter in a register of nominations, to be kept by him for the purpose, the nominations for each party so ascertained, and shall forthwith notify by registered mail each person who is so nominated.

Sec. 17. Acceptance of nominee to be filed. R. S. c. 6, § 17. Every candidate, so nominated and notified as aforesaid, shall, within seven days after the receipt of such notification, send to the secretary of state, by registered mail the following acceptance:

To the Secretary of State:

I,, of, hereby accept the nomination to the office of, made at the primary election June, 19

The name of any candidate failing to file such acceptance shall not be printed upon the official ballot to be used at the state election, and failure to file such acceptance within said seven days shall be deemed to be a refusal thereof.

Sec. 18. Return of expenditures; false statements in return, perjury; limitation of miscellaneous expenditures; penalty for failure to make return. R. S. c. 6, § 18. Each candidate, so nominated, shall, with such acceptance, send to the secretary of state the following return by him subscribed and sworn to:

RETURN OF EXPENDITURES.

To the Secretary of State:

I,, of, nominated for the office of, at the primary election held on June, 19, on oath depose and say that the following is a true and perfect return of all expenditures by me made, or liabilities by me incurred for any purpose whatever, except my actual personal expenses for postage, telegrams, telephones, stationery, express, and traveling, in connection with my said nomination, or the procurement thereof, before, at, or since said primary election.

The total amount thereof was \$

The aforesaid amount is made up of the following:

Printing	\$
Clerk hire	\$
Newspaper advertising	\$
Hall rent	\$
Soliciting agents	\$
Miscellaneous	\$
Total	\$

Of the above, the following are itemized:

PRINTING.

Name.	Date.	Amount.
-------	-------	---------

(The subdivisions of clerk hire, newspaper advertising, hall rent, and soliciting agents shall follow the foregoing form.)

MISCELLANEOUS.

Name.	Date.	Amount.	Purpose.
-------	-------	---------	----------

I further depose and say that no person, firm, or corporation has with my

knowledge and consent paid any sum, or incurred any liability, other than to myself, or my political agent, to procure, or to aid in procuring, my nomination aforesaid.

A. D. 19 .

A. D. 19 .

and made oath that the

Justice of the Peace.

If any statement in said return is wilfully false it shall be deemed to be perjury and shall be punished accordingly. No expenditures shall be so made, or liabilities be so incurred except for the purposes named aforesaid in said return. The subdivision "Miscellaneous" shall not exceed ten per cent of the total amount hereinafter permitted, and shall include no items not legitimate under sections one to ten, both inclusive, of chapter ten; subsections (d) and (e) of section five of chapter ten, as applied to primary elections, are to be construed as if reading as follows: '(d) of renting and furnishings rooms to be used by candidates or their political agents, and for the reasonable entertainment and refreshment exclusive of alcoholic beverages, of political agent;' '(e) of compensating clerks and other persons employed in candidates' rooms and at the polls.' Political agents of candidates appointed under the provisions of said sections shall, within fifteen days after the date of the primary election, make to the secretary of state the return required by this section of candidates, omitting only therefrom any sums expended by them for the actual personal expenses of the candidate for postage, telegrams, telephones, stationery, express, and traveling; and the form of the return shall be varied accordingly. Candidates who are their own political agents need not make a separate return in the latter capacity. Any political agent failing to make return within the time required shall be fined twenty-five dollars for each day on which he is in default, unless he shall be excused by the court, but such failure shall not avoid nor affect the nomination of the candidate. The returns aforesaid shall be open to public inspection for one year and then be destroyed. The failure of any candidate to file a return within the time required by section seventeen shall render his nomination void.

Sec. 19. Penalty for bribery, etc. R. S. c. 6, § 19. No person, firm, or corporation shall directly or indirectly or by any device whatsoever pay any sum, or incur any liability, to procure or to aid in the procurement of the nomination of any candidate so to be voted for as aforesaid at any primary election without the knowledge and consent of such candidate. Whoever violates the provisions of this section forfeits five hundred dollars to be recovered by indictment.

Sec. 20. Candidates for U. S. senators to make returns, R. S. c. 6, § 20. Candidates chosen for United States senators, as aforesaid, shall file like acceptances and make like returns. If any such candidate fails so to do, his nomination at the primary election shall be deemed to be void.

Sec. 21. Limitation of expenditures. R. S. c. 6, § 21. The expenditures to be made, and liabilities incurred, for which returns are to be made as hereinbefore provided, shall not exceed in amount for each candidate the following: In case of nominations for any office to be filled by the voters of the state one thousand five hundred dollars, for members of congress five hundred dollars, for state senators and county officers one hundred and fifty dollars for each ten

thousand votes cast for governor within the county at the last preceding gubernatorial election or fraction thereof, for members of legislature in representative districts having three representatives or more one hundred dollars, in other representative districts fifty dollars, for United States senator one thousand five hundred dollars. Whenever such expenditures and liabilities exceed the foregoing limitations, upon proof thereof to the satisfaction of the secretary of state, after complaint, notice, and hearing, or upon the admission of the fact by the candidate in his return, the finding of such fact by the secretary of state shall be deemed to be a withdrawal by such candidate and the vacancy shall be filled in like manner as if such candidate had filed a withdrawal in writing.

Sec. 22. Vacancies, how filled. R. S. c. 6, § 22. In case any candidate, except for the United States senate, who has been duly nominated as the result of any primary election hereunder, shall die before the day of the gubernatorial election, or shall withdraw in writing, or shall forfeit his nomination by failure to accept, or to file a return, as provided in sections seventeen and eighteen, the vacancy may be supplied by the political party of such nominee by any convention of delegates or appropriate caucus, under the provisions of sections twenty-nine, thirty, and thirty-five of this chapter, or, if the time is insufficient therefor, then the vacancy may be supplied by the regularly elected state, congressional district, county, town, city, plantation, or representative class committee, as the case may be, of such political party. Certificates for supplying the vacancy and the manner of placing the name of the nominee upon the ballots shall conform to the provisions of section thirty-five.

Sec. 23. Filling of vacancies at special primary election. R. S. c. 6, § 23. In case any nominee for United States senator, nominated hereunder, shall die before the day of the gubernatorial election at which such office is to be filled, or shall before that time withdraw in writing, or shall forfeit his nomination by failure to accept or to file return, as provided in sections seventeen and eighteen; or in case vacancy occurs in any office which is to be filled at the next biennial state election, for which no nomination has been made at the primary election held on the third Monday in June of the same year, a special primary election shall be ordered by proclamation of the governor, at such date as he deems best, conforming as near as may be practicable to the provisions of this chapter, but in that event the governor in said proclamation shall fix the time within which nomination papers shall be filed and the time for transmitting to town clerks lists of candidates proposed for nomination and the time within which and when the returns shall be received and the result declared. If the time is insufficient therefor, said nomination may be supplied in the manner provided in section twenty-two. Candidates so chosen shall be subject to the provisions of this chapter regulating acceptances and returns by candidates for United States senator.

Sec. 24. Primary reelections for nomination of candidates at special elections. R. S. c. 6, § 24. When special elections are to be held for any office as required or permitted by law, primary elections for the nomination of candidates to be voted for thereat shall be held at such time as shall be ordered by the governor by proclamation, and he shall therein fix the time within which nomination papers shall be filed and the time for transmitting to town clerks lists of candidates proposed for nomination and, so far as practicable, all the provisions hereof shall be applicable thereto. If the time is insufficient therefor, said nomination may be supplied in the manner provided in section twenty-two. Candidates so nominated shall file acceptances and returns of expenditures as hereinbefore provided.

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Sec. 25. Chapter 6 made applicable. R. S. c. 6, § 25. Except as modified or superseded by the first twenty-eight sections of this chapter, and so far as the same may be necessary for the purposes hereof, and where not inconsistent herewith, chapter six is hereby made applicable to primary elections.

Sec. 26. Certain sections of chapter eight made applicable. R. S. c. 6, § 26. So far as necessary for the purposes of the first twenty-eight sections of this chapter, and where not inconsistent therewith, the following sections of chapter eight are hereby made applicable to primary elections and all doings, therefor, thereat, or thereafter, and for the purposes thereof: sections three, five, ten to fourteen, both inclusive, twenty-three to twenty-eight, both inclusive, thirty-two, thirty-three, sixty-seven to seventy, both inclusive, seventy-five to eighty, both inclusive, eighty-two to eighty-five, both inclusive, and ninety-three to one hundred twenty-three, both inclusive.

Sec. 27. Primary election to be considered as a separate election for each political party. R. S. c. 6, § 27. In construing the provisions of this chapter and of all sections of the revised statutes, hereby made applicable as aforesaid to the primary elections to be held hereunder, and to all matters herein contained before and after such primary election, material to the purposes thereof, they shall, as to the duties of officers, forms, blanks, ballots, elections, warrants, returns, and all other matters, so far as necessary for accomplishing the purposes of this chapter, be understood and interpreted as though said primary election is a separate election for each political party making its nominations hereunder, and to be conducted as to that party as nearly as practicable the same as the regular biennial state elections in September are conducted for all the electors, except in so far as the manner of proceeding before, at, and after said September election may be modified or changed by this chapter for the purposes of said primary elections. The provisions of the twenty-six preceding sections do not modify or in any manner control the proceedings at the regular biennial state elections except in so far as they may be herein expressly and directly amended.

Sec. 28. State expenditures, how approved and paid. R. S. c. 6, § 28. All accounts for expenditures by the state hereunder shall be approved in the manner required by law, and after approval the governor and council shall draw their warrant against any money in the treasury, not otherwise appropriated, in payment thereof.

Nomination of Candidates not included in the Primary.

Sec. 29. Nominations by conventions and caucuses. R. S. c. 6, § 29. For the purpose of filling vacancies as provided in section twenty-two of this chapter, and for nominating candidates not included in section one of this chapter, any convention of delegates, and any caucus or meeting of qualified voters, as hereinafter defined, may nominate candidates for public office in the manner provided in the following section, whose names shall be placed upon the ballots to be furnished as herein provided.

Sec. 30. Certificates of nomination to be duly filed and sworn to. R. S. c. 6, § 30. Any convention of delegates representing a political party which, at the gubernatorial election next preceding, polled at least one per cent of the entire vote cast in the state for governor, or in the electoral district or division thereof for which the nomination is made, and any caucus held by such a political party in any such electoral district or division, may for the state, or for the district or division for which the convention or caucus is held, as the case may be, by causing a certificate of nomination to be duly filed, make one such nomi-

nation for each office therein to be filled at the election. Every such certificate of nomination shall state such facts as may be required as above for its acceptance, and as are required in section thirty-two of this chapter; shall be signed by the presiding officer or by the secretary of the convention or caucus; and shall be sworn by the party signing, to be true, and a certificate of the oath shall be annexed to or made on the certificate of nomination.

Sec. 31. How nomination papers shall be signed; certificate by town clerk. **R. S. c. 6, § 31.** Nominations of candidates for any offices to be filled by the voters of the state at large may be made by nomination papers signed in the aggregate for each candidate by not less than one thousand qualified voters of the state. Nominations of candidates for electoral districts or divisions of the state, or for municipal or ward officers, may be made by nomination papers signed in the aggregate for each candidate by qualified voters of such district or division not less in number than one for every one hundred persons who voted at the next preceding gubernatorial election in such district or division, but in no case less than twenty-five. In the case of a first election to be held in a plantation, town, or ward newly established, the number of twenty-five shall be sufficient for the nomination of a candidate who is to be voted for only in such plantation, town, or ward; and in the case of a first election in a district or division newly established, other than a plantation, town, or ward, the number of twenty-five shall be sufficient. Each voter signing a nomination paper shall make his signature in person, and add to it his place of residence, and each voter may subscribe to one nomination for each office to be filled, and no more. The nomination papers shall before being filed, be respectively submitted to the clerks of the cities, towns, or plantations in which the signers purport to be qualified voters, and each clerk to whom the same is submitted shall forthwith certify thereon what number of the signatures are names of qualified voters both in the city, town, or plantation for which he is a clerk and in the district or division for which the nomination is made; one of the signers to each such separate paper shall swear to the truth thereof, and the certificate of such oath shall be annexed to or made upon the nomination papers.

Sec. 32. Contents of certificates and nomination papers. **R. S. c. 6, § 32.** All certificates of nomination under section thirty and nomination papers shall, besides containing the names of candidates, specify as to each, first, the office for which he is nominated; second, the party or political principle which he represents, expressed in not more than three words; third, his place of residence. In the case of electors of president and vice-president of the United States, the names of the candidates for president and vice-president may be added to the party or political appellation.

Sec. 33. Filing of certificates of nomination and nomination papers. **R. S. c. 6, § 33. 1919, c. 60, § 2.** Certificates of nomination under section thirty and nomination papers for the nomination of candidates for state and county officers and representatives to the legislature shall be filed with the secretary of state on or before the tenth day of July of each year in which such election is held, and for candidates for electors of president and vice-president on or before the tenth day of September in each year when such election is held. Such certificates and papers for the nomination of candidates for the office of mayor and all other offices in cities shall be filed with the city clerks of the respective cities at least fourteen days, exclusive of Sundays, previous to the day of such election. Such certificates and papers for the nomination of candidates to be voted for at any special election to be held for choice of United States senators, representatives to congress, or members of the legislature shall be filed with the secretary of

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state at least fourteen days, exclusive of Sundays, previous to the day of election. With nomination papers and certificates shall also be filed the consent in writing of the person nominated.

Sec. 34. Certificates, if in apparent conformity to law to be deemed valid. **R. S. c. 6, § 34.** The certificates of nomination and nomination papers being filed, and being in apparent conformity with the provisions hereof, shall be deemed to be valid; and if not in apparent conformity, they may be seasonably amended under oath.

Sec. 35. Vacancies; contests of certificates; name placed on ballot. **R. S. c. 6, § 35.** In case a candidate who has been duly nominated under the provisions of sections thirty and thirty-one shall die before the day of election, or shall withdraw in writing, the vacancy may be supplied by the political party or other persons making the original nomination, in the manner herein provided for such nomination; or, if the time is insufficient therefor, then the vacancy may be supplied, if the nomination was made by a convention or caucus in such manner as the convention or caucus has previously provided for the purpose, or in case of no such previous provision, then by a regularly elected general or executive committee representing the political party or persons holding such convention or caucus. The certificates of nomination made for supplying any vacancy, shall state, in addition to the other facts required by this chapter the name of the original candidate proposed or the original nominee, the facts causing the vacancy, and the measures taken in accordance with the above requirements for filling the vacancy; said certificate shall be accompanied by the withdrawal, if any, and shall be signed and sworn to by the presiding officer or secretary of the convention or caucus, or by the chairman or secretary of the duly authorized committee, as the case may be. The name so supplied for the vacancy shall, if the ballots have not been printed for the office already, be placed on the ballots, instead of the original nomination; or, if the ballots have been printed, new ballots containing the new nomination shall, whenever practicable, be furnished, or slips containing the new nomination shall be printed, under the direction of the secretary of state, which may be pasted in proper place upon the ballots and thereafter shall become part and parcel of said ballots as if originally printed thereon.

Sec. 36. Nomination papers to be open to public inspection. **R. S. c. 36, § 36.** All certificates of nomination and nomination papers when filed shall forthwith be opened and kept open under proper regulations to public inspection, and the secretary of state and the several city clerks shall preserve the same in their respective offices not less than one year.

Political Caucuses.

Sec. 37. Enrolment required. **R. S. c. 6, § 37.** No person shall take part or vote in any caucus of any political party unless qualified therefor by enrolment as hereinafter provided.

Sec. 38. Enrolment of voters; enrolment declarations filed with board of registration; newly registered voters exempt. **R. S. c. 6, § 38. 1925, c. 62, § 4. 1927, c. 221, § 3.** Any person who is a legal voter may enroll himself as a member of any political party by filing with or delivering to the board of registration of voters of the city, town, or plantation of which he is a legal voter, a declaration in writing, signed by him, substantially as follows:

I, being a legal voter of hereby elect to be enrolled as a member of the party.

The following statement of name, residence, place of last enrolment, if any, and party of last enrolment, if any, is true.

The foregoing declaration may be filed with the board of registration in person, by mail, or otherwise, and when received, it shall be the duty of such board to cause the enrolment to be made. A voter may change his enrolment at any time, but the person making such change of enrolment shall not vote in any political caucus or primary election within six months thereafter.

Sec. 39. Clerk to record enrolment; records to be open to public; enrolment, made during caucus; duty of secretary of caucus. R. S. c. 6, § 39. The clerk of the town where the enrolment is made, as above provided, shall receive and file the same, indorsing thereon the date of filing, and shall record the name, residence, place of last enrolment, and date of filing in a separate book for the enrolment of members of each political party, entering the names alphabetically. Suitable blanks for such enrolment shall be provided by the town clerks and in addition thereto they shall provide books with proper headings, embodying the enrolment statements above provided, which the person desiring to enroll may fill out and sign, thereby enrolling himself with the same effect as by filing such enrolment paper. Such books shall be public records and shall at all times be open to public inspection. Any voter not previously enrolled may enroll as aforesaid up to the day of holding any caucus and may enroll himself during said caucus by subscribing and making oath to the following statement before the chairman of the caucus. "I, _____, do solemnly swear that I am a qualified voter in this town, or ward, and have the legal right to vote in the caucus of the _____ party. I am a member of that political party and intend to vote for its candidates at the election next ensuing. I have not taken part or voted at the caucus of any other political party in the six months last past."

The secretary of the caucus shall indorse thereon whether the person subscribing and swearing to the same voted in said caucus, and within one week thereafter the secretary shall return said statement with the indorsement thereon to the clerk of the town wherein such caucus is held, and said clerk shall thereupon enroll said voter in the enrolment list of the party designated by him. Said statement shall be preserved as public records and shall be prima facie evidence in any court that said person took said oath and voted in said caucus.

Sec. 40. Caucuses must be held under §§ 37-48. R. S. c. 6, § 40. Caucuses and meetings of political parties held for the purpose of nominating candidates or choosing delegates to assemble in convention to nominate any person to any public office whose name shall be placed on the final ballot, unless held under the provisions of sections thirty-seven to forty-eight inclusive, are hereby declared to be unlawful, provided that this shall not be construed as preventing citizens' caucuses.

Sec. 41. Votes to be by ballot. R. S. c. 6, § 41. All votes for the election of delegates to any political convention for the nomination of a candidate for any public office shall be by ballot, written or printed, on plain paper.

Sec. 42. Restrictions on voting. R. S. c. 6, § 42. No person shall vote or offer to vote more than once for any candidate or delegate or set of delegates in any one caucus, nor shall he vote or offer to vote in any one caucus held in any caucus district in which he shall not at the same time be a legal voter. No person shall vote or offer to vote in any caucus where candidates or delegates are to be chosen, if he has already voted at the caucus of any other political party in the past six months.

Sec. 43. Oath to be taken by challenged voters. R. S. c. 6, § 43. No person whose right to vote is challenged shall be allowed to vote until he shall have

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taken the following oath, which shall be administered by the chairman of the caucus: "You do solemnly swear that you are a qualified voter in this town or ward, and have the legal right to vote in this caucus; that you are a member of the political party holding the same and intend to vote for its candidates at the election next ensuing, and that you have not taken part or voted at the caucus of any other political party in the six months last past." The secretary of the caucus shall make a record of the administration of such oath, as provided in section thirty-nine and with the same effect.

Sec. 44. Notices of caucuses to be issued seven days prior to caucuses. R. S. c. 6, § 44. Notice of caucuses, signed by the chairman and secretary, or by a majority of the committee, shall be issued by each town committee not less than seven days prior to the day on which the caucuses are to be held. They shall be conspicuously posted in at least five places on the highways of each voting precinct, and shall state the place, day, and hour of holding such caucuses. In case voting is by check list, a sufficient time shall be allowed for all to vote, and the call for the caucus shall state the hours fixed by the committee for the opening and closing of the polls.

Sec. 45. Bribery forbidden. R. S. c. 6, § 45. No person shall pay or offer to pay to any voter any pecuniary compensation for the vote of such voter, or to influence his action at any caucus held under the provisions of the eight preceding sections.

Sec. 46. Check lists, use of. R. S. c. 6, § 46. Voting lists as used in the election next preceding any caucus shall be used as check lists at such caucuses, if the town committee shall so determine and provide in the call, and such committee shall be required to provide for the use of such list upon written request, filed with the chairman or clerk of the committee, at any time before the call is posted, of voters of the party, to the number of not less than twenty in towns of two thousand and not exceeding five thousand inhabitants; and of not less than fifty in towns of five thousand or more inhabitants, according to the last official census of the United States. The officials having charge of such voting lists shall furnish certified copies thereof for use in caucuses, upon application of such party committee, the expense thereof to be paid as other expenses of registration are now paid. No person shall be deprived of his right to vote in such caucus by reason of the fact that his name does not appear on such lists if he shall have become a legally qualified voter of such precinct subsequent to the last election and shall be otherwise qualified to vote as provided in the nine preceding sections.

Sec. 47. Penalty for violations of §§ 37-46. R. S. c. 6, § 47. Whoever violates any provision of the ten preceding sections, or refuses to perform any duty required thereunder, or wilfully makes a false statement of fact in his declaration of enrolment shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months.

Sec. 48. Exceptions. R. S. c. 6, § 48. 1923, c. 208, § 1. The provisions of the eleven preceding sections shall not apply to towns of less than two thousand inhabitants, nor to cities wherein the calling and holding of caucuses is regulated by special law until such special law is repealed.

Political caucuses in Bangor, P. & S. L., 1901, c. 497; 1905, c. 295; 1907, c. 407; 1909, c. 136. In Old Town, P. & S. L., 1909, c. 293.

Sec. 49. General law relating to political caucuses made applicable to cities of over 35,000; exceptions; caucuses to be held 2nd Wednesday of November; preparation of ballots; enrolment, how accomplished. 1923, c. 208, § 3. Caucuses and meetings of political parties in cities of over thirty-five thousand held

for the purpose of naming candidates or choosing delegates to assemble in convention to nominate any person to any public office, for whose election the charter of any such city provides, and whose name shall be placed on the final ballot, shall be held as now or hereafter prescribed by the statutes of the state of Maine, relating to political party caucuses, except as hereinafter provided.

Only those voters enrolled as qualified to vote in such caucuses, as hereinafter provided, shall participate therein; the caucuses of all political parties, entitled by law to nominate candidates to be voted upon at the next succeeding municipal election, shall be held in the several wards of said city on the second Wednesday of November, in each year, on which day the polls will be opened at three o'clock in the afternoon and continue open until nine o'clock in the afternoon, when they shall close. Said caucuses shall be conducted by the same officers as elected at the preceding municipal election to have charge of such municipal elections, or their successors in office. No person shall vote at any such caucus unless a legally qualified voter in the ward where any such caucus is held, nor unless enrolled as qualified to vote in a particular political party, then entitled to hold such caucus.

The city clerk of said city shall, in season for such caucuses, prepare suitable ballots containing the names of all persons to be nominated at such caucus and of a distinguishing color for each political party. Every person legally qualified to vote in such caucuses shall receive, upon application, at such caucuses, to the proper election officer, a ballot marked and designated by such distinguishing color as the ballot of that political party in which he is then enrolled and shall not be entitled to receive, nor shall such election officer deliver to him, any other ballot.

Every legally qualified voter of said city shall continue to be enrolled as a voter in the political party in which he is now enrolled, and when so enrolled, shall not be entitled to change such enrollment for the purposes of any of said caucuses within six months next prior to the date of the holding of such caucus. Any voter not previously enrolled may enroll himself before the board of registration at any time up to within thirty days of the date of said caucus or during said caucus by subscribing and making oath to the following statement before the chairman of the caucus: "I....., do solemnly swear that I am a qualified voter in this city and ward, and have the legal right to vote in the caucus of the party. I am a member of that political party and intend to vote for its candidates at the election next ensuing. I have not taken part or voted at the caucus of any other political party in the six months last past," and upon such enrollment shall be permitted to vote. The warden shall indorse on every such enrollment blank, whether the person subscribing and swearing to the same voted at said caucus and shall return the same at the close of said caucus to the board of registration, and said board of registration shall thereupon enroll said voter in the enrollment list of the party designated by him. Said enrollment blank and the statement thereon shall be preserved as a public record and shall be prima facie evidence in any court that said person took said oath and voted in said caucus. The warden may appoint and swear to the faithful performance of their duties such number of enrollment clerks to assist him as may be required, who shall have power to take the oath required of any person so enrolling at said caucus. All enrollment blanks shall contain the form of statement and oath hereinbefore described but shall otherwise be in such form as the city clerk shall prescribe. The board of registration shall make up and certify, in season for such caucuses, true and correct lists of all the persons legally entitled to vote in said city, after the same have

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been corrected, in accordance with the last registration of voters therein, and shall indicate on such lists of voters the political party, if any, in which each of said voters is enrolled; said lists, as so prepared by said board of registration, shall not be altered or amended by any person whatsoever, except said board of registration, and then only upon application to change his enrollment made by a person listed thereon as a legally qualified voter, which application shall not be made to said board within six months prior to the date of the holding of any such caucuses. Such lists, as prepared, shall at the time of the holding of such caucuses, be delivered to the warden in each of said wards and shall be used in said wards for the purposes of holding said caucuses and shall be returned intact to said board of registration, after said caucuses are closed, and shall be preserved by said board of registration until the same are superseded by new lists, prepared by said board. Said board of registration shall supply to the political committees of each such political party such number of the copies of such lists and the enrollments noted thereon, as may be reasonably required for the purposes of said committees.

Note. This section, applicable only to the city of Portland when enacted, was directly superseded by the provisions of the Portland city charter, P. & S. L. 1923, c. 109, art. v. It is included in the statutes as it may soon apply to the city of Lewiston.

Protection of Political Meetings.

Sec. 50 Penalty for disturbing primary political meetings. R. S. c. 6, §§ 49, 53. Whoever, by rude or indecent behavior, or in any way wilfully or unlawfully disturbs or interrupts any public primary political meeting or caucus or public convention lawfully assembled in any hall or other place of meeting for the purpose of nominating, or proposing candidates for any public office, or for the choice of delegates to conventions or other meetings called for such purpose, or creates a disturbance in any hall, walk, or corridor adjacent or leading to the room where such caucus or convention is held, shall be punished by imprisonment for not more than thirty days, or by fine of not less than five, nor more than ten dollars.

The provisions of this section shall be applicable only to cities of more than thirty-five thousand inhabitants.

CHAPTER 8.

Elections.

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Preparation and Distribution of Ballots.

Sec. 1. Ballots used in elections to be furnished at public expense. R. S. c. 7, § 1. All ballots cast in elections for national, state, district, and county officers in cities, towns, and plantations and all ballots cast in municipal elections in cities shall be printed and distributed at public expense, as hereinafter provided. The printing of the ballots and cards of instructions to voters shall in municipal elections in cities be paid for by the several cities respectively, and in all other elections the printing of the ballots and cards of instructions and the delivery of them to the several cities and towns shall be paid for by the state. The distribution of the ballots to the voters shall be paid for by the cities, towns, and plantations respectively. The term state election, as used in this chapter, shall apply to any election held for the choice of a national, state, district, or county officer, whether for a full term or for the filling of a vacancy, and the term state officer shall apply to any person to be chosen by the qualified voters at such an election. The term city election shall apply to any municipal election so held in a city, and the term city officer shall apply to any person to be chosen by the qualified voters at such an election.

86 Me. 42; 107 Me. 516; *108 Me. 170.

Sec. 2. What the ballot shall contain and how printed; size of ballot. R. S. c. 7, § 2. 1917, c. 296. Every general ballot, or ballot intended for the use of all voters, which shall be printed in accordance with the provisions of this chapter, shall contain the names and residences, ward residences in city elections, of all candidates whose nominations for any office specified in the ballot have been duly made and not withdrawn in accordance herewith, and the office for which they have been severally nominated, and shall contain no other names except that in case of electors of president and vice-president of the United States, the names of the candidates for president and vice-president may be added to the party or political designation. The names of candidates nominated by any party shall be grouped together upon the ballot. Above each group shall be placed the name of the political party by which the candidates com-

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prising such group were placed in nomination, or the political designation as described in the certificate of nomination, or nomination papers, under a square. Below the name of each candidate for any office in any group there shall be left a blank space in which the voter may write the name of any person for whom he desires to vote as a candidate for such office; at the right of each name and at the right of the blank space above provided for there shall be left a blank square in which the voter may make a cross mark (X). If only one person be nominated by any party, or under any political designation, his name with the office for which he is a candidate shall be printed by itself under the name of such party or political designation. Whenever the approval of a constitutional amendment or other question is submitted to the vote of the people such question or questions shall be printed upon a separate ballot. The ballots shall be so printed as to leave a blank space above such amendment or question so as to give each voter a clear opportunity to designate by a cross mark, (X) therein, his answers to the questions submitted, and on the ballot may be printed such words as will aid the voter to do this as "yes," or "no," and the like. The ballot shall be not less than four inches in width and not less than six inches in length. Before distribution the ballots shall be so folded in marked creases that their width and length when folded shall be uniform. On the back and outside, when folded, shall be printed "Official Ballot for," followed by the designation of the polling place for which the ballot is prepared, the date of the election, and a facsimile of the signature of the secretary of state or city clerk who has caused the ballot to be printed. Except as otherwise herein provided, ballots shall be printed upon clean white paper without any distinguishing mark or figures thereon.

*86 Me. 50; 89 Me. 297; 107 Me. 516; *114 Me. 35; *122 Me. 525.

Sec. 3. Ballots to be folded and fastened in blocks; record kept of number furnished each polling place. R. S. c. 7, § 3. All ballots when printed shall be folded as hereinbefore provided, and fastened together in convenient numbers in packages, books, or blocks, in such manner that each ballot may be detached and removed separately. A record of the number of ballots, printed and furnished to each polling place, shall be kept and preserved by the secretary of state and the several city clerks for the term of one year.

Sec. 4. Number of ballots to be provided. R. S. c. 7, § 4. There shall be provided for each voting place, at which an election is to be held, two sets of such general ballots and two sets of ballots containing any constitutional amendment or other question submitted to the vote of the people, each of not less than sixty for every fifty and fraction of fifty votes cast in said voting place at the next preceding election, city, state, or national, corresponding to the election for which said ballots are to be provided.

Sec. 5. Instructions for guidance of voters; specimen ballots. R. S. c. 7, § 5. The secretary of state, in case of a state election, and the several city clerks, in case of city elections, shall prepare full instructions for the guidance of voters at such elections, as to obtaining ballots, as to the manner of marking them, and the method of gaining assistance, and as to obtaining new ballots in place of those accidentally spoiled, and they shall respectively cause the same, together with copies of sections ninety-three to ninety-six, both inclusive, of this chapter to be printed in large, clear type, on separate cards, to be called cards of instructions; and they shall respectively furnish the same and the ballots for use in each such election. They shall also cause to be printed on tinted paper, and without the facsimile indorsements, ten or more copies of the form of the ballot provided for each voting place at each election therein, which shall be called

specimen ballots and shall be furnished with the other ballots provided for each such voting place.

Sec. 6. Printed lists of nominations to be transmitted to clerks of cities, towns, and plantations, seven days before any election, and published. R. S. c. 7, § 6. The secretary of state shall, seven days at least, previous to the day of any election of state or county officers, transmit to the clerks in each city, town, and plantation in which such election is to be held, printed lists containing the names, residences, and party or political appellations of all candidates nominated as herein provided for such election and to be voted for at each polling place in each such city, town, and plantation respectively, substantially in the form of the general ballot to be so used therein; and the clerks shall immediately cause the lists for each plantation, town, or ward, as the case may be, to be conspicuously posted in one or more public places in such plantation, town, or ward. The secretary of state shall likewise cause to be published prior to the day of any such election, in at least two newspapers, if there be so many, printed or published in each county, representing so far as practicable, the political parties which, at the preceding election, cast the largest and next largest number of votes, a list of all the nominations made as herein provided and to be voted for in such county, so far as may be, in the form in which they shall appear upon the general ballots. New nominations made or authorized shall be transmitted, posted, and published promptly, and so far as practicable in the manner herein directed, and communications transmitted as herein directed by the secretary of state to any clerk shall be duplicated on the succeeding day.

Note. As to official ballots for municipal elections in town of Bar Harbor, formerly Eden, P. & S. L., 1913, c. 215; 1915, c. 204; 1927, c. 10.

Sec. 7. Printed lists to be posted four days before city election; publication. R. S. c. 7, § 7. The city clerk of each city shall four days at least prior to the day of any city election therein, cause to be conspicuously posted in one or more public places in each ward of such city, a printed list containing the names, residences, and party or political appellations of all candidates nominated as herein provided, and to be voted for in such ward, substantially in the form of the general ballot to be so used therein; and he shall likewise cause to be published, prior to the day of such election, in at least two newspapers, if there be so many printed or published in such city, representing the political parties which cast at the preceding election the largest and next largest number of votes, a list of all the nominations made, as herein provided, and to be voted for in such city, so far as may be, in the form in which they shall appear upon the general ballots.

Sec. 8. Two sets of ballots to be sent to city, town, and plantation clerks; record. R. S. c. 7, § 8. The secretary of state shall send, separately and at different times or by different methods, the two sets of general and special ballots, together with the specimen ballots and cards of instructions printed by him, as herein provided, to the several city, town, and plantation clerks, so as to be received by them, one set seventy-two hours at least previous to the day of election and the other set forty-eight hours at least previous thereto. The same shall be sent in sealed packages, with marks on the outside clearly designating the polling place for which they are intended and the number of ballots of each kind enclosed; and the respective city, town, and plantations clerks shall, on delivery to them of such packages, return receipts therefor to the secretary. The secretary shall keep a record of the time when, and the manner in which the several packages are sent, and shall preserve for the period of one year the receipts of the city, town, and plantation clerks.

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Sec. 9. Two sets of ballots, etc. to be provided by city clerks. R. S. c. 7, § 9. The two sets of ballots together with the specimen ballots and cards of instructions printed by the city clerks, as herein provided, shall be packed by them in separate sealed packages, with marks on the outside clearly designating the polling places for which they are intended, and the number of ballots of each kind enclosed.

Sec. 10. One set of ballots to be sent to presiding election officer on day of election; cards of instructions and specimen ballots to be posted in each compartment; Disposition of second set. R. S. c. 7, § 10. 1917, c. 108. The several city, town, and plantation clerks, or municipal officers, shall send to the presiding election officer or officers of such voting place before the opening of the polls on the day of election one set of ballots so prepared, sealed, and marked for such voting place, and a receipt of such delivery shall be returned to them from the presiding election officer or officers present, which receipt, with a record of the number of ballots sent, shall be kept in the clerk's office for one year. At the opening of the polls in each polling place the seals of the packages shall be publicly broken, and the packages shall be opened by the presiding election officer or officers, and the packages, books, or blocks of ballots shall be delivered to the ballot clerks hereinafter provided for. The cards of instructions shall be immediately posted at or in each voting shelf or compartment provided in accordance with this chapter for the marking of ballots, and not less than three such cards and not less than five specimen ballots shall be immediately posted in or about the polling rooms outside the guard rails. The second set of ballots shall be retained by the respective city, town, and plantation clerks until they are called for or needed for the purposes of voting, and upon the requisition in writing of the presiding election officer or officers of any voting place, the entire second set of ballots shall be furnished to such voting place in the manner above provided as to the first set, and shall be transmitted in like manner to the secretary of state as provided in section forty-six of this chapter. If said second set of ballots shall not be required for use as above, the same shall be kept intact by said city, town, or plantation clerks for a period of three months from the day of election for which said ballots were provided, during which time any person who was a candidate on said ballot may inspect said second set of ballots at the office of the city, town, or plantation clerk under the supervision of said clerk.

Sec. 11. In case of the loss of ballots other ballots to be prepared and furnished. R. S. c. 7, § 11. In case the ballots to be furnished to any city, town or plantation, or voting place therein, in accordance with the provisions hereof, shall fail for any reason to be duly delivered, or in case after delivery they shall be destroyed, lost, or stolen, it shall be the duty of the clerk or municipal officers of such city, town, or plantation to cause other ballots to be prepared substantially in the form of the ballots so wanting and to be furnished; and upon receipt of other such ballots from him or them, accompanied by a statement under oath that the same have been so prepared and furnished by him and that the original ballots have so failed to be received or have been so destroyed, lost, or stolen, the election officers shall cause the ballots so substituted to be used in lieu of the ballots wanting as above.

Duties of Municipal and Election Officers.

Sec. 12. Division of towns and wards of cities into convenient polling districts; warden and clerk to be appointed for each polling place; check lists to be

prepared. R. S. c. 7, § 12. 1917, c. 205. 1921, c. 207. The municipal officers, sixty days before any election, may, after public notice and hearing, divide towns and wards of cities into not more than three convenient polling districts. By writing under their hands to be filed with and recorded by the city or town clerk, they shall define the limits and designate the polling places of each district, and attested copies thereof shall forthwith be posted by said clerks in not less than six public and conspicuous places in said town or ward, and the same shall be published in one or more of the newspapers, if any, printed in said city or town, thirty days at least before such election. They shall also ten days before any such election appoint a warden or presiding officer and clerk, in addition to the regular ballot clerks for each polling place other than the one in which the wardens duly elected for such ward shall preside, who shall perform the same duties at elections as presiding officers and clerks of towns and wards now perform. Any vacancy occurring after appointment may be filled by the voters of said polling district as similar vacancies are now filled. All such officers shall be sworn and make all returns of all elections directly to town or city clerk. The board of registration of voters for any city in which a ward has been so divided, and the municipal officers of any town which has been so divided, shall in the manner now provided for by law, prepare check lists of the qualified voters for each of said polling districts, in lieu of the check lists now provided by law for the entire town or ward, to be used as hereinafter provided, and all provisions of law applicable to check lists for towns and wards shall apply to check lists for such polling district.

Note. By P. L. 1889, c. 240, the town of Fairfield was divided into two voting precincts. By P. & S. L. 1909, c. 40, certain islands in the town of Harpswell were created a voting district. See also § 13, note.

Sec. 13. Clerks to be appointed for each polling place; to ask assistance in counting ballots; appointment of additional clerks. R. S. c. 7, § 13. 1917, c. 238. 1920, c. 266. 1925, c. 106. The municipal officers of cities, towns, and plantations, voting in accordance with the provisions of this chapter, shall biennially in the month of May appoint clerks for each polling place; and such municipal officers shall appoint as such clerks such persons as shall be recommended for such appointment by the several political party committees of the several cities, towns, or plantations representing the two political parties, which at the gubernatorial election next preceding such appointment, cast the greatest number of votes. For each polling place in cities and towns four clerks, and for each polling place in plantations and for each island ward of the city of Portland and for the island district of the town of Cumberland two clerks shall be appointed. Said clerks shall equally represent each of the political parties which cast the largest number of votes in the state election next preceding their appointment. Each of said clerks shall be sworn to the faithful performance of his duties, and shall hold office for two years from the date of his appointment, and until a successor is appointed and qualified, or he vacates the office. Vacancies occurring in the office of election or ballot clerks shall be forthwith filled by the municipal officers in towns and plantations and by the mayors of cities in manner hereinbefore provided. Such election clerks shall attend at the times and places designated for meetings in their respective wards, towns, or plantations for the election of any national, state, county, city, or ward officers and for the determination of any question submitted to the qualified voters of any city by lawful authority, shall be present at and assist in the counting by the presiding election officer or officers of all votes cast in such meetings, and shall receive such reasonable compensation for each day's actual service as the municipal officers of their

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respective cities, towns, and plantations may determine. And on the recommendation of the political party committee of any other party represented on the official ballot, said municipal officers shall appoint one such election clerk in each polling place, for such political party, who shall be qualified for the performance of his duties, in like manner as the clerks of the two before mentioned parties, shall hold office for a like term, or for such part thereof as the party for which he is appointed maintains its right to be represented upon the official ballot, and who during said term shall have like rights and duties with the before mentioned clerks to be present at and assist in the counting of votes, and shall serve with or without compensation as the municipal officers in any case may deem advisable, vacancies occurring in case of said clerks to be filled as in case of other clerks herein mentioned. No person shall be eligible to the position of election clerk in any ward, town, or plantation where he is a candidate to be voted for. Two of the clerks in each polling place, one from each political party, shall be detailed by the municipal officers to act as ballot clerks. The two ballot clerks thus detailed and appointed in each polling place shall have the charge of the ballots therein and shall furnish them to the voters in the manner hereinafter set forth. A duplicate list of the qualified voters in each ward, town, or plantation shall be prepared for the use of the ballot clerks, and all the provisions of law relative to the preparation, furnishing, and preservation of check lists shall apply to such duplicate lists. Provisions in the charter of any city for the election of two persons to assist the warden in receiving, sorting, and counting the ballots are not affected by the provisions hereof; but persons so elected shall be deemed election clerks for that purpose; they shall equally represent the two political parties which at the state election next preceding cast the greatest number of votes. Provided, however, that the municipal officers of cities, towns, and plantations, may, when necessity requires, appoint additional election clerks for each polling place in cities, towns, and plantations and for each island ward of the city of Portland and for the island district of the town of Cumberland, who shall be sworn and shall assist the election officers in the several voting precincts of the state. Said additional clerks shall be recommended and appointed in the same manner, hold office for the same time, and receive the same compensation as is provided for regular election clerks under this section.

Note. By P. L. 1887, c. 36, as amended by P. L. 1889, c. 169 and P. L. 1893, c. 190, certain islands in the town of Cumberland were created a voting district.

Sec. 14. Voting compartments to be provided for use of voters while marking their ballots. R. S. c. 7, § 14. The municipal officers in each city, town, or plantation, as aforesaid, shall cause the polling places therein to be suitably provided with a sufficient number of voting shelves and compartments, at or in which voters may conveniently mark their ballots so that in the marking thereof they shall be screened from the observation of others, and each voting shelf and compartment shall have a wooden swing door so arranged that the top thereof shall be not less than six feet from the floor and the bottom of the door shall be at least two feet and six inches from the floor. And such door shall be shut while the voter is within the compartment, and no one shall be allowed therein with him, unless he calls for assistance in the marking of his ballot, and such assistance shall be so furnished according to the provisions of this chapter, and a guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot boxes and of such voting shelves and compartments. The arrangement shall be such that the ballot boxes shall not be hidden from the view of persons present, and the voting shelves and compartments shall be so arranged that the door of each compart-

ment shall be next to the guard rail, so as to admit to full view of the persons just outside of the guard rail those who enter and leave such compartment. The number of such voting shelves and compartments shall not be less than one for every hundred voters qualified to vote at such polling place, and not less than three in any town, and not less than five in any ward of a city. No persons other than the election officers, election clerks, and voters admitted as hereinafter provided, shall be permitted within said rail, except by authority of the presiding election officer or officers for the purpose of keeping order and enforcing the law. Each voting shelf and compartment shall be kept provided with proper supplies and conveniences for marking the ballots.

Note. See Resolves 1919, c. 117, regarding the display of the American flag in each polling place at every election.

Manner of Voting.

Sec. 15. Voter to give his name to ballot clerk, and if on check list he may enter within guard rail; distribution of ballots. R. S. c. 7, § 15. Any person desiring to vote shall give his name, and if requested so to do, his residence, to one of the ballot clerks, who shall thereupon announce the same in a loud and distinct tone of voice, clear and audible, and if such name is found upon the check list by the ballot clerk having charge thereof, he shall likewise repeat the said name, and the voter shall be allowed to enter the space enclosed by the guard rail, as above provided. The ballot clerk shall give him one, and only one ballot, and his name shall be immediately checked on said list. Besides the election officers and election clerks, not more than two voters in excess of the number of voting shelves or compartments provided shall be allowed in said enclosed space at one time.

Sec. 16. How Voters shall prepare ballot; manner of voting. R. S. c. 7, § 16. 1917, c. 306. On receipt of his ballot the voter shall forthwith, and without leaving the enclosed space, retire alone to one of the voting shelves or compartments so provided and shall prepare his ballot by marking in the appropriate place a cross (X) as follows: He may place such mark within the square above the name of the party group or ticket, in which case he shall be deemed to have voted for all the persons named in the group under such party or designation. And if the voter shall desire to vote for any person or persons, whose name or names are not printed as candidates in such party group or ticket, he may erase any name or names which are printed therein and place a cross (X) in the square at the right of the name of the candidate of his choice in any other party group or ticket. Or, as an optional method of voting, the voter may omit the cross (X) in the party square and place a cross (X) in the blank square at the right of the name of each candidate he wishes to vote for. If the voter wishes to vote for a candidate whose name is not on the ballot he may write the name under the name of the candidate erased. Or if the voter does not desire to vote for a person or persons whose name or names are printed upon the party group or ticket, he may erase such name or names with the effect that the ballot shall not be counted for the candidate or candidates whose names are so erased. Stickers shall not be counted unless used to fill a vacancy or correct an error in the printed ballot. In case of a question submitted to the vote of the people he shall place such mark in the appropriate margin above the answer which he desires to give. Before leaving the voting shelf or compartment, the voter shall fold his ballot without displaying the marks thereon, in the same way it was folded when received by him, and he shall keep the same so folded until he has voted. He shall vote in the manner provided by law before leaving the enclosed space and shall

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deposit his ballot in the box with the official endorsement uppermost. He shall mark and deposit his ballot without undue delay, and shall quit said inclosed space as soon as he has voted. No such voter shall be allowed to occupy a voting shelf or compartment occupied by another, or to remain within said enclosed space more than ten minutes, or to occupy a voting shelf or compartment for more than five minutes in case all of such shelves or compartments are in use and other voters are waiting to occupy the same. No voter not an election officer or an election clerk, whose name has been checked on the list of the ballot clerk, shall be allowed to re-enter said enclosed space during said election. The presiding election officer or officers, for the time being, shall secure the observance of the provisions of this section.

86 Me. 50; 89 Me. 298; 108 Me. 167; 110 Me. 453. *114 Me. 35; *122 Me. 525.

Sec. 17. If voter spoils ballot he may obtain others not exceeding three. R. S. c. 7, § 17. No person shall take or remove any ballot from the polling place before the close of the polls. If any voter spoils a ballot he may successively obtain others, one at a time, not exceeding three in all, upon returning each spoiled one. The ballots thus returned shall be immediately canceled, and together with those not distributed to the voters, and with the check lists used, which shall be certified by the ballot clerks, to be such, shall be secured, sealed, and sent to the several city, town, and plantation clerks.

*92 Me. 158.

Sec. 18. Counting and sealing of ballots. R. S. c. 7, § 18. The ballots shall be sorted and counted in open town or ward meeting in such manner as to afford the electors present ample opportunity to observe the sorting and counting, and the result shall be declared and recorded in open town or ward meeting. When the ballots have been so sorted and counted and the result so declared and recorded, all the ballots shall in open meeting be sealed in a package, which said package with the check lists sealed in the same manner as the ballots shall forthwith be returned to the city, town, or plantation clerk. In case two or more kinds of official ballots are used at any election, each kind shall be sealed in a separate package. All ballots and check lists shall be so sealed that the packages and check lists cannot be opened or examined without first breaking the seal; and the sealed packages of ballots cast at any state election or at any election of electors of president and vice-president of the United States shall have an indorsement of substantially the following tenor indorsed thereon or securely affixed thereon: 'This package contains the ballots cast at an election for _____ held in the _____ of _____ (or in ward _____ of the city of _____) on the _____ day of _____ 191____; said ballots were sorted, counted, the result declared and recorded, and this package sealed in open meeting in accordance with section eighteen of chapter eight of the Revised Statutes.' Such indorsement shall be signed by the town, plantation, or ward clerk and by a majority of the selectmen of towns and the assessors of plantations, or by the wardens in cities or voting precincts. The ballots and check lists returned to the city clerk after any city election and all other ballots returned to him, which he is not required to forward to the secretary of state according to the provisions of section forty-six, shall be preserved by him as a public record for six months.

*92 Me. 158.

Sec. 19. Voter unable from any cause to mark ballot, may receive assistance of election clerks. R. S. c. 7, § 19. 1920, c. 268, § 1. Any voter who shall declare to the presiding election officer or officers that he cannot mark his ballot by reason of physical disability or from inability to read the same, or who shall declare to the election officers that his religious faith prevents him from marking his ballot shall receive the assistance, in the marking of his ballot, of two

of the election clerks; such clerks shall not both represent one and the same political party, and they shall certify on the outside of such ballot that the same was marked by them, or by the voter with their assistance, and thereafter shall give no information concerning the same. The presiding election officer or officers may require every voter who applies for such assistance to make oath to his inability to mark his ballot, before such clerks shall be directed to assist as aforesaid, and such officer or officers are hereby qualified to administer such oath, and no clerk shall assist or offer to assist any voter in marking his ballot until directed so to do by the presiding election officer or officers.

Sec. 20. When ballot shall not be counted. R. S. c. 7, § 20. If a voter marks more names for any one office than there are persons to be elected to such office, or if for any reason it is impossible to determine the voter's choice for an office to be filled, his ballot shall not be counted for such office. No ballot without the official indorsement shall, except as herein otherwise provided, be allowed to be deposited in the ballot box, and none but ballots provided in accordance with the provisions of this chapter shall be counted. Ballots not counted shall be marked defective on the back thereof, and shall be preserved, as required by section eighteen. No marks, other than those authorized by law, shall be placed upon the ballot by the voter; but no ballot, after having been received by the election officers, shall be rejected as defective because of marks, other than those authorized by law, having been placed upon it by the voter, unless such marks are deemed to have been made with fraudulent intent, and no ballot shall be rejected as defective because of any irregularity in the form of the cross in the square at the head of the party column unless such irregularity is deemed to have been intentional and made with a fraudulent purpose.

86 Me. 50; 110 Me. 453; 113 Me. 488; *114 Me. 35; 122 Me. 525.

Sec. 21. Time of opening and closing polls. R. S. c. 7, § 21. 1919, c. 10. 1927, c. 16. Meetings for the election of state and county officers, and for the election of municipal officers in cities, may be opened at six o'clock in the forenoon, and shall be opened not later than ten o'clock in the forenoon; the polls shall be kept open until seven o'clock in the afternoon and shall then be closed. Notice of the time of opening and closing shall be given in the warrant calling the meeting.

Notifying Meetings, Proceedings, and Returns.

Sec. 22. Call of meeting for election of state officers. R. S. c. 7, § 22. The selectmen of every town, by their warrant, shall cause the inhabitants thereof, qualified according to the constitution, to be notified and warned seven days at least before the second Monday of September biennially to meet at some suitable place designated in said warrant to give in their votes for governor, senators, and representatives, as the constitution requires; and such meeting shall be warned like other town meetings.

Sec. 23. Officers presiding have powers of moderator. R. S. c. 7, § 23. The selectmen or other officers, required by the constitution and laws to preside at any such meeting, shall have all the powers of moderators of town meetings, as provided in chapter five; and they shall refuse the vote of any person not qualified to vote.

See c. 5 § 35.

Sec. 24. Selectmen absent, others may be chosen pro tempore. R. S. c. 7, § 24. If a majority of the selectmen are absent from any such meeting duly warned, or being present, neglect or refuse to act as such and to do all their

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duties, the voters may choose so many selectmen pro tempore, as are necessary to constitute or to complete the number competent to act.

70 Me. 565.

Sec. 25. Presiding officer at such choice. R. S. c. 7, § 25. During the choice of selectmen pro tempore any selectman present may act as moderator; if no selectmen are present, or if those present neglect or refuse to act as such, the town clerk shall preside; and the person so presiding shall have all the powers and discharge the duties of moderator.

Sec. 26. Duties and powers of selectmen pro tempore. R. S. c. 7, § 26. Selectmen pro tempore accepting the trust shall be sworn faithfully to discharge the duties of said office, so far as relates to such meeting and election; and in making a record and return of the votes, as the constitution or laws require, and in all matters incidental to the trust, they shall have the powers of permanent selectmen and be subject to the same duties and liabilities.

Sec. 27. In case of division of a town, where electors may vote. R. S. c. 7, § 27. Whenever any territory is set off from one town and annexed to another, the inhabitants of the territory set off, otherwise qualified, may vote for representative to congress, senators or representatives to the legislature, in the town to which they are annexed, if said town is within the congressional, senatorial, or representative district as the case may be, to which they previously belonged; otherwise, such inhabitants may vote for said officers in the town from which they were set off, until the next congressional, senatorial, or representative apportionment has been made.

Sec. 28. Check list required; rule as to voting. R. S. c. 7, § 28. The officers presiding at any election, except for the choice of town officers, shall use the check list herein required at the polls during the election of governor, senators, representatives, and other public officers, requiring like qualifications in the electors, and use but one ballot box; and no votes shall be received unless delivered by the voter in person after he has audibly announced his name to the presiding officers, unless physically unable to do so, and they have had opportunity to be satisfied of his identity and find his name on the list and mark it, and ascertain that his vote is single.

See c. 6, § 46; 82 Me. 531; 96 Me. 434.

Sec. 29. Check list to be returned to clerk within 24 hours after close of polls. 1917, c. 47. Wardens of cities and selectmen of towns, shall, within twenty-four hours after the closing of the polls in their respective polling districts, at any election, return the check list now provided by law for towns, wards, voting precincts, and voting districts, to the clerk of their respective cities and towns.

Sec. 30. Clerks to preserve check lists, and furnish certified copies thereof. R. S. c. 7, § 29. Clerks of towns shall preserve the check lists used at any election at which the ballots cast are to be returned to the secretary of state under the provisions of this chapter, for one year without alteration, and shall furnish to any person a certified copy thereof within the twenty days after demand and payment or tender of the legal charges therefor, and shall without charge furnish the governor and council with a certified copy thereof within twenty days after demand, under the penalty provided in section one hundred.

See c. 6, § 46; 92 Me. 158.

Sec. 31. Votes to be on white paper without marks or figures. R. S. c. 7, § 30. No ballot shall be received at any election of state or town officers, unless in writing or printing upon clean white paper without any distinguishing mark or figures thereon besides the official indorsement, the names of the persons to

be voted for, and the offices to be filled; but no vote shall be rejected on this account after it has been received into the ballot box.

See §§ 107, 117; 54 Me. 604; 70 Me. 566; 106 Me. 517; *108 Me. 169.

Sec. 32. State ballot boxes to be of uniform design and furnished by secretary of state; special ballot boxes with mechanical device may be provided at expense of municipality. R. S. c. 7, § 31. 1925, c. 131. Ballot boxes used for the reception of official ballots shall be of uniform design; they shall be provided for each polling place by the secretary of state at the expense of the state, and shall be known as state ballot boxes; each box shall be equipped with a suitable lock and key; in the top of each box there shall be an opening through which each ballot shall be put into the box; such opening shall be large enough and not larger than may be necessary to allow a single folded ballot to be easily passed through such opening into the box, and shall be covered with a slide which shall be kept shut except when opened to receive a ballot. Each box shall be large enough to properly receive and hold all ballots which may lawfully be deposited therein at any election. Provided, however, that with the approval of the secretary of state, the attorney general and one member of the governor's council to be designated by the governor, cities and towns may at their own expense provide ballot boxes with sufficient locks and seal fastenings, which shall contain mechanical devices for receiving, registering, and endorsing every legal ballot deposited therein, but no such ballot box shall record any distinguishing number or mark upon a ballot. Said ballot boxes shall be known as state ballot boxes, and shall be large enough to properly receive and hold all ballots which may lawfully be deposited therein at any election. Said ballot boxes may be used at all state, municipal, or other elections.

Sec. 33. State ballot boxes to be used for receiving all official ballots; regulations as to their use. R. S. c. 7, § 32. State ballot boxes shall be used for receiving all official ballots cast at elections. The election officers at each polling place shall at the opening of the polls and before any ballots are received publicly open the ballot box, and ascertain by personal examination, and publicly show that the same is empty, and shall immediately thereafter lock the box and deliver the key thereof to the town, plantation, ward, district, or precinct clerk, to be retained by him until the polls are closed. The ballot box shall not after it has been shown to be empty and has been locked, be removed from public view nor opened nor any ballot removed therefrom until the polls are closed. If it becomes impossible to use the state ballot box the voting shall proceed in such manner as the presiding officer shall direct, and in such case the clerk shall record the reason why such ballot box is not used, and shall enclose an attested copy of such record in the package with the ballots cast.

See § 117.

Sec. 34. Presiding officer to have charge of ballot box; custody of ballot boxes; defective or lost ballot boxes. R. S. c. 7, § 33. The presiding officer at each polling place shall have charge of the state ballot box, and shall at the close of each election return the same to the city, town, or plantation clerk. The clerk of each city, town, or plantation shall have the custody of the state ballot boxes provided for the town, and shall at the expense of the town provide for their safe keeping and for keeping them in good order and repair, subject to the supervision and control of the secretary of state.

If a state ballot box becomes defective or is lost or destroyed, the town clerk shall seasonably make written application to the secretary of state for another ballot box, and the same shall be supplied at the expense of the town.

See § 117.

Sec. 35. Ballot boxes, how constructed and used. R. S. c. 7, § 34. Ballot

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boxes used at elections for which official ballots are not provided shall be covered at the top with a slide only, which shall be kept shut, except when opened to receive a ballot; but such boxes may contain mechanical devices which tend to prevent fraud in elections and do not materially abridge the rights of voters; and if the presiding officers do not comply with the requirements of this chapter, or attempt to evade the same, they shall be subject to the penalties provided in section one hundred of this chapter.

Sec. 36. Commission to examine and approve voting and counting machines; secrecy essential. R. S. c. 7, § 35. The secretary of state, the attorney general, and one member of the governor's council to be designated by the governor, shall, at such times, under such conditions, and after such public notice as they see fit to give, examine voting and counting machines and apparatus; and they shall certify their approval of such machines as, in their judgment, furnish convenient, simple, and satisfactory means of voting and of ascertaining the true result thereof with facility and accuracy, special regard being had to preventing and detecting double voting; but no machine shall be approved which does not secure to the voter a degree of secrecy in voting equal to that afforded by the use of the official ballot as provided by law. No machine except such as is approved by said officers and used in accordance with this and the three following sections shall be used in this state.

Sec. 37. Cities and towns authorized to purchase and use machines. R. S. c. 7, § 36. A city or town may, at a legal meeting held not less than ten days before any regular election, determine upon and purchase or accept for trial, and order the use of one or more voting and counting machines for the then ensuing election in said city or town and thereafter in case said machine or machines are purchased, at all elections in cities and at state and presidential elections in towns, until otherwise voted at a legal meeting, said machines shall be used for the purpose of voting for the officers to be elected at such elections and for taking the vote upon constitutional amendments and all other questions submitted to vote at such elections.

Sec. 38. Bond to be given to keep machines in good order. R. S. c. 7, § 37. When voting and counting machines are approved and purchased, the persons of whom such machines are purchased shall give to the secretary of state a suitable bond with sufficient sureties, conditioned to keep each machine in good working order for five years at their own expense.

Sec. 39. Regulations and instructions for use of voters to be furnished. R. S. c. 7, § 38. The secretary of state shall make regulations for the use of machines approved, and before each state and presidential election shall furnish appropriate instructions for the voters in cities and towns where such machines are used, and like appropriate instructions shall be furnished by clerks of cities before each city election.

Sec. 40. In case of no choice of representatives in an unclassified town, meeting to be adjourned. R. S. c. 7, § 39. When at a town meeting held for election of representatives to the legislature, in a town not classed with other towns as a representative district, by reason of persons having an equal number of votes, a full choice of representatives is not effected, the meeting shall be adjourned to the same day of the week following and to the same hour and place at which the first meeting was called; and at such adjourned meeting, the voters shall give in their votes for so many representatives as are necessary to make up the number to which said town is entitled; and like adjournments shall be had until the full number is elected.

Sec. 41. Meetings for choice of certain officers, and to determine certain

questions. R. S. c. 7, § 40. All town meetings required for election of county officers, state auditor, United States senator, representatives to congress, or of electors of president and vice-president of the United States, or for the determination of questions submitted to the people by the legislature, shall, as to calling, notifying, and conducting them, be subject to the regulations made in this chapter for election of governor, senators, and representatives, unless otherwise provided by law.

Sec. 42. Result of any election by ballot, how determined. R. S. c. 7, § 41. To determine the result of any election by ballot, the number of persons who voted shall first be ascertained by counting the whole number of separate ballots given in, which shall be distinctly stated, recorded, and returned. No person ineligible to the office shall be declared elected; but such votes shall be counted to determine whether any person has received the necessary number of all votes cast. In case of United States senators, representatives to congress, members of the legislature, and county and state officers, except where a different rule is prescribed in the constitution, the person or persons, not exceeding the number to be voted for at any one time for any such office, having the highest number of votes given at such election shall be declared elected, and the governor shall issue a certificate thereof. If, by reason of two or more persons receiving an equal number of votes, the election of the requisite number of officers cannot be declared without declaring more than the requisite number elected, no one of those having an equal number of votes shall be declared elected. In all other cases no person shall be declared elected, who has not received a majority of the whole number of votes counted as aforesaid; and if a number greater than is required to be chosen receive a majority of said whole number, the number so required, of those who have the greatest excess in votes over such majority, shall be declared elected. If the number to be elected cannot be so completed by reason of any two or more of such persons having received an equal number of votes, the persons having such equal numbers shall be declared not elected. In all cases not otherwise provided for, if no person eligible to the office receives the requisite number of votes to elect him, then the governor shall order a new election; provided, however, that nothing in this section shall give the governor and council authority to determine questions of eligibility in cases of senators and representatives to the legislature.

See Const. Me. Art. iv, part 1, § 5; part 2, § 3; Art. vi, § 7; Art. ix, § 10;
Amend. xxiv, Act of Congress of June 4, 1914; *71 Me. 373.

Sec. 43. Governor to issue proclamation for election to fill congressional vacancy. R. S. c. 7, § 42. Whenever a vacancy occurs in the representation of the state in the senate of the United States or in the national house of representatives, the governor, in any manner having knowledge thereof, shall issue his proclamation for an election to fill the same. If congress is in session when such vacancy occurs, the proclamation shall issue forthwith; otherwise, in season to secure representation at the next called or regular session of congress.

See U. S. Const., Art. i, § 2, ¶ 4; Amend. xvii.

Sec. 44. Clerks of towns to mail returns to secretary of state; canvass of returns, declaration of result, and issue of certificate of election. R. S. c. 7, § 43. The clerk of each town, within twenty-four hours after the close of the polls, shall deposit in some post-office the returns of the votes cast at such special election post-paid, directed to the secretary of state, to be transmitted by mail. The governor and council shall meet seven days after such election, and open and canvass such returns, and declare the result. They shall receive certified copies of the record of any town if the return from such town is lost, or is not received by the secretary of state. The governor shall immediately issue a certificate of

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election to the person thus declared to have received a plurality of votes.

Sec. 45. Clerk to transmit returns of votes to secretary of state. R. S. c. 7, § 44. The clerk of each town shall cause to be delivered at the office of the secretary of state the returns of votes given in his town for governor, state auditor, senators, representatives to the legislature, United States senators, representatives to congress, electors of president and vice-president of the United States, and for county officers, within three days next succeeding any meeting for their election, or shall deposit them, post-paid, in some post-office, directed to the secretary of state, within twenty-four hours after such meeting, to be transmitted by mail; and shall also forward to such office, as soon as practicable, a statement attested by him of the number of votes for said several officers, given at such election in his town, which shall be opened and filed by the secretary, and kept for public examination.

64 Me. 508. See § 117; c. 2, § 69.

Sec. 46. Clerk to transmit all ballots to secretary of state; secretary of state to preserve ballots for six months. R. S. c. 7, § 45. Within twenty-four hours after the close of any election for governor, state auditor, senators, representatives to the legislature, United States senator, representatives to congress, electors of president and vice-president of the United States, and for county officers, the clerk of each town shall securely pack in a box or boxes all ballots given out by him for use at such election and returned to him, under the provisions of section eighteen of this chapter, without breaking the seal of the packages of ballots so returned to him, together with an attested copy of his record of the number of ballots sent by him to each polling place, and shall seal each box in such manner that the same cannot be opened without breaking the seal, and within said twenty-four hours shall deliver said box or boxes so sealed to some express company directed to and to be transmitted to the secretary of state, Augusta, Maine, express charges prepaid, and shall take a receipt therefor; or within three days after the close of such election, the clerk of each town shall deliver said ballots or boxes so sealed to the secretary of state at his office in Augusta. The secretary of state shall preserve for a period of six months all such ballots so received by him as a public record.

See § 117.

Sec. 47. Secretary of state to send messenger for returns of ballot; expense of messenger, how paid. R. S. c. 7, § 46. At the expiration of fourteen days after any election specified in the preceding section, the secretary of state shall forthwith send a messenger to every town from which returns of votes have not been received, as provided in section forty-five of this chapter, or from which the sealed packages of ballots have not been received, as provided in the preceding section; and the expense of each messenger shall be audited and paid and added to the next state tax assessed on the town, as provided in section sixty of this chapter.

Sec. 48. Secretary of state to permit interested persons to inspect ballots. R. S. c. 7, § 47. The secretary of state shall permit any candidate or other interested person to inspect the ballots so returned to him, in his presence or in the presence of any clerk of his office designated by him, or in the presence of the deputy secretary of state, under such reasonable regulations or restrictions consistent with the right of inspection as will secure every ballot from loss, injury, or change in any respect. After each inspection the packages shall be again sealed and the fact and date of inspection noted on the package. Whenever required so to do the secretary of state or the deputy secretary of state shall produce any package of ballots in his custody before the governor and council, the legislature or either branch thereof, or any committee thereof, or before any

court or magistrate having jurisdiction of any proceeding relating to said election.

Sec. 49. Secretary of state to provide suitable seals, printed forms of indorsements, blanks, returns, and letters of instructions. R. S. c. 7, § 48. The secretary of state shall at the expense of the state provide and seasonably send to the several city, town, and plantation clerks suitable seals for use as required by the provisions of this chapter, and printed forms of indorsements, and suitable blanks for all certificates, copies of records, and returns required to be made to his office, by this chapter; and shall also prepare and send in the same package with said seals a letter of instructions especially calling the attention of each clerk to the provisions of sections seventeen, eighteen, thirty-three, thirty-four and forty-six of this chapter.

Sec. 50. County attorney to be notified if return is not received. R. S. c. 7, § 49. If any such return is not received by the secretary of state within thirty days next after such meeting, he shall forthwith notify the county attorney of the county in which such town is situated, who shall give immediate notice thereof to the clerk of such town, and unless he receives satisfactory evidence that said clerk has complied with the requirements of the preceding section, he shall prosecute for the penalty hereinafter provided.

See § 100.

Sec. 51. Loss of returns to be supplied by copy of record. R. S. c. 7, § 50. When such original return is lost or destroyed, the selectmen and clerk of such town, on receiving information of such loss or destruction, shall forthwith cause a copy of the record of the meeting at which such vote was given to be made with their certificate upon the same sheet, that it is a true copy of the record, that it truly exhibits the names of all persons voted for, for the offices designated, and the number of votes given for each at such meeting, and that said copy contains all the facts stated in the original return.

See §§ 111, 117.

Sec. 52. Oaths to be made to copy. R. S. c. 7, § 51. The selectmen and town clerk, who were present at the meeting and signed the original return, shall sign the certificate mentioned in the preceding section, designating their office against their names as in the original return, and make oath that said copy and certificate are true, before some justice of the peace of the county, who shall make certificate of such oath on the same paper.

See §§ 112, 115, 118.

Sec. 53. Certificates, how sealed and returned. R. S. c. 7, § 52. Such copy and certificates shall then be sealed up and directed to the secretary of state, with the nature of the contents written on the outside; and the clerk of such town shall cause the same to be delivered into the office of the secretary of state, as soon as may be.

See §§ 111, 112, 117.

Sec. 54. Mode of determining who are elected; proceedings for correcting returns; notice of election; rule for canvassing returns and determining election. R. S. c. 7, § 53. The governor and council, by the first day of December in each year in which an election is held, shall open and compare the votes so returned and have the same tabulated, and may receive testimony on oath to prove that the return from any town does not agree with the record of the vote of such town in the number of votes, or the names of the persons voted for, and to prove which of them is correct; and the return, when found erroneous, may be corrected by the record. No such correction can be made without application within twenty days after the returns are opened and tabulated, stating the error alleged, nor without reasonable notice thereof given to the person affected by such cor-

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rection, and during said twenty days any person voted for, may personally, and by or with counsel, examine said returns in presence of the governor and council, or either of them, or any member of the council. Upon written application filed with the secretary of state within twenty days after the returns are opened and tabulated, alleging that the return or record of the vote cast in any town does not correctly state the vote as actually cast in such town and specifying the offices as to which such errors are believed to have occurred, the governor and council in open meeting shall examine the ballots cast in said town and returned to the secretary of state, and if such return or record is found to be erroneous the return shall be corrected in accordance with the number of ballots found to have been actually cast in said town; but no such examination of ballots shall be made without reasonable notice to all candidates for the offices specified in the application as to which such errors are alleged to have occurred, stating when and where such examination will be made, and affording such candidates a reasonable opportunity to be present in person or by counsel at such examination and be heard in relation thereto. The persons having the highest number of votes, not exceeding the number to be chosen, shall be declared elected; and they shall be notified thereof by the secretary of state, and enter upon the discharge of official duties on the first day of January thereafter. If a number of persons, exceeding the number to be chosen, receive an equal number of votes, no one is elected.

To ascertain what persons have received the highest number of votes, the governor and council shall count and declare for any person all votes appearing by said returns to have been intentionally cast for him, although his name upon the return is misspelled or written with only the initial or initials of his christian name or names; and they may hear testimony upon oath, in relation to such returns, in order to get at the intention of the electors, and shall decide accordingly. This section shall be applied in determining the election of all county officers, and, so far as it relates to the examination and correction of returns, it shall be applied in determining the election of state auditor, United States senator, representatives to congress, members of the legislature, and presidential electors. When a return is defective by reason of any informality, an attested copy of the record may be substituted therefor.

²⁶ Me. 498; ⁵⁴ Me. 603, 605; ⁶⁴ Me. 590, 598; ^{*70} Me. 561, 571, 587; ^{*71} Me. 370, 384.

Sec. 55. Application in determining certain questions. R. S. c. 7, § 54. This chapter shall be applied in determining the results of voting upon any resolve of the legislature submitting a constitutional amendment to the people and the results of voting upon any measures submitted to the determination of the people under the amendment to the constitution of the state adopted September fourteen, nineteen hundred and eight, except questions relating to municipal affairs submitted under section twenty-one of part three of article four of the constitution; provided, however, that the governor and council may without the application mentioned in the preceding section, examine in open meeting the ballots cast on any such resolve or measure; and when such examination is made with or without application, in lieu of the notice prescribed in the preceding section, a notice thereof and of the time and place fixed therefor shall be given by publishing such notice at least twice in some newspaper, if any, published in the town where the ballots to be examined were cast, and if there is no such newspaper then in a newspaper published in the town in the same county nearest the town where the ballots to be examined were cast; the first publication of such notice shall be at least seven days before the time fixed for such examination.

Sec. 56. Jurisdiction of supreme judicial court not affected. R. S. c. 7, § 55. Nothing contained in the preceding sections shall affect the jurisdiction of the

supreme judicial court or any justice thereof to entertain proceedings under sections eighty-eight to ninety-two, both inclusive, of this chapter.

Sec. 57. Vacancies, how filled in towns not classed for representatives. R. S. c. 7, § 56. When the selectmen of any town not classed with others as a representative district, have knowledge that the seat of a representative thereof has been vacated, they shall forthwith issue their warrant, giving at least seven days' notice, for a meeting of the electors of said town to fill such vacancy; and at such meeting like proceedings shall be had, as at any meeting held on the second Monday in September for the like purpose.

See §§ 71, 73; 70 Me. 560, 571.

Choice of Electors of President and Vice-President.

Sec. 58. Electors of president and vice-president to be chosen; meetings, when and how called. R. S. c. 7, § 57. Whenever the election of president and vice-president of the United States is to take place, there shall be chosen from the inhabitants of the state, as many electors of president and vice-president as the state is entitled to; and on the Tuesday next after the first Monday in November of such year, the people qualified to vote for senators, shall assemble in town, plantation, city, or ward meetings, to be notified, held, and regulated as prescribed by the constitution and laws for the election of such senators.

See U. S. Const., Art. II, § 1, ¶ 2; Amend. xvii.

Sec. 59. Votes, how received and returned, and counted; secretary to send for delinquent returns; notice to persons elected. R. S. c. 7, § 58. The votes shall be sorted, counted, declared, and recorded; and the returns of the number of ballots and of the votes given for each elector shall be made according to the constitution and laws to the secretary of state, on or before the second Tuesday after such meeting; on the third Tuesday after such meeting, the governor and council shall be in session, and shall open, examine, and count the returns of votes so made, and the secretary of state shall forthwith send a messenger to every city and town from which a return has not been received at his office; and the governor and council shall again meet on the Tuesday next before the first Wednesday in December, and examine and count all the votes received from the several cities, towns, and plantations and the votes of citizens in the military service lawfully returned into the secretary's office; and they shall forthwith send a certificate of election to each person who has received the greatest number of all the votes returned to said office, not exceeding the number to be chosen.

Sec. 60. Expense of sending for returns to be paid by state, and added to state tax of delinquent towns. R. S. c. 7, § 59. The expense of each messenger sent as required in the preceding section shall be audited and allowed by the governor and council, and paid out of the state treasury; and unless they think that the officers of any delinquent town have fully performed their duties in making the required returns, the amount so paid shall be added to the next state tax assessed on such town; but if the same messenger is sent to two or more towns on the same route, the amount to be paid by each of them shall be apportioned by the governor and council according to their relative distances and the expense of traveling.

Sec. 61. In case of no choice of majority of electors, governor to assemble legislature. R. S. c. 7, § 60. If, on such examination it appears that there has not been a choice of a majority of the whole number of electors, the governor, by proclamation, shall convene the legislature forthwith; and the legislature by joint ballot of the senators and representatives assembled in one room shall

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choose as many electors as are necessary to complete the number to which the state is entitled.

Sec. 62. Meetings of electors; vacancies, how filled. R. S. c. 7, § 61. The electors shall convene in the senate chamber at Augusta on the Saturday preceding the second Monday of January next after their election, at two o'clock in the afternoon; and if any elector so chosen is not present, the electors then present, by a majority of votes, shall forthwith elect the requisite number of persons qualified to supply such deficiency.

Sec. 63. Proceedings of presidential electors. R. S. c. 7, § 62. Said electors, on said second Monday of January, shall vote by ballot for one person for president and one person for vice-president of the United States; one of whom, at least, shall not be an inhabitant of this state; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president; they shall make and subscribe three certificates of all the votes by them given, each of which shall contain two distinct lists, one of the votes given for president, and the other of the votes given for vice-president; they shall seal them up and certify on each certificate, that a list of votes of the State of Maine for president and vice-president of the United States is contained therein. They or a majority of them shall, under their hands, appoint a person to take charge of one of said certificates, and deliver it at the seat of government of the United States, to the president of the senate of the United States, before the fourth Monday of the month of January in which their meeting shall have been held; they shall forthwith forward by the post-office, another of said certificates, directed to the president of the same senate, at the same seat of government; and they shall forthwith cause the other certificate to be delivered to the judge of the district court of the United States for the district of Maine.

See U. S. Constitution, amendment xii and acts of Congress of Feb. 3, 1887, and Oct. 19, 1888.

Sec. 64. Compensation. R. S. c. 7, § 63. Electors shall receive as compensation ten dollars a day and such travel as members of the legislature receive. They may appoint a secretary and such other officers as they deem proper who shall receive such reasonable compensation for their services as the electors shall allow them.

Sec. 65. Secretary of state to furnish blanks. R. S. c. 7, § 64. The secretary of state shall procure blank returns of the proper form for such cities, towns, and plantations, and furnish them to the several clerks thereof at least thirty days before the day of election of electors as aforesaid.

See c. 2, § 69.

Sec. 66. Town officers to proceed as in other meetings. R. S. c. 7, § 65. All laws in relation to the duties of city, town, and plantation officers, and of voters in the election of governor, senators, and representatives to the legislature, and to the penalties incurred for their violation, apply, so far as applicable, to meetings held for the election of such electors, and to returns thereof.

Elections in Cities.

Sec. 67. Electors in cities to meet in wards; warden to preside. R. S. c. 7, § 66. For all purposes mentioned in sections twenty-two and forty-one, the inhabitants of cities shall meet as the constitution requires, in ward meetings, to be notified and warned, as town meetings for similar purposes are. The warden shall preside; the clerk shall make such record as the constitution requires, and the city constables shall preserve order.

Sec. 68. Warden pro tem. may be chosen. R. S. c. 7, § 67. If the warden is

absent from any such meeting, or refuses or neglects to preside, a warden pro tempore shall be chosen, and during such choice the ward clerk shall preside; and the warden pro tempore, accepting the trust, shall be sworn, and have the power and perform the duties of warden of such meeting, and shall be liable to like penalties.

Sec. 69. Portland islands constitute two wards for certain purposes. R. S. c. 7, § 68. The several islands within the city of Portland, so far constitute two separate wards as to entitle the voters of each of said wards to choose a warden, ward clerk, and one constable, who shall be residents of said islands and of their respective wards. The first of said wards comprises Long Island, Crotch Island, Hope Island, Jewell's Island and Little Chebeague Island, or such parts of said islands as are within the city of Portland, and the ward meetings of said first ward shall be held on Long Island. The second of said wards comprises the remaining islands within the city of Portland, and the ward meetings of said second ward shall be held on Peak's Island. The electors of each of said wards may meet as provided in section sixty-seven, and also for the choice of city officers, at the place designated, and may, on the day of election, vote for all officers named in the warrant calling the meeting.

Sec. 70. Proceedings at such meetings. R. S. c. 7, § 69. The warden shall preside impartially at such meetings, receive the votes of all electors present, sort, count, and declare them in open meeting and in presence of the clerk, who shall make a list of the persons voted for with the number of votes for each person against his name, and the offices respectively, and in open ward meeting and in presence of the warden, shall make a fair record thereof; a fair copy of this list shall be attested by the warden and clerk, sealed up in open meeting, and delivered to the clerk of ward number one in Portland within eighteen hours after closing the polls, and the votes thus thrown shall belong to the last mentioned ward.

Sec. 71. If no choice, new meetings; vacancies. R. S. c. 7, § 70. When a choice of any representative to the legislature is not effected, the aldermen shall call new meetings of the wards for the purpose, to be held at the same time, within two weeks after any former meeting; and like proceedings shall be had at such meetings, as at the first, until a choice is effected; and when the aldermen of any city have knowledge that the seat of a representative therein has been vacated, they shall call meetings of the wards for the purpose of filling such vacancy; and like proceedings shall be had at such meetings as at other meetings for the election of representatives.

See §§ 57, 73; 70 Me. 560, 570.

Sec. 72. In cities, election by plurality. R. S. c. 7, § 71. In all elections in cities by the people, the candidate receiving the greatest number of votes for any municipal office, although such number is not a majority of all the votes cast, shall be deemed elected to such office, provided that the provisions of this section have been adopted in the city where the election is held, by a majority vote, at a regular or special election.

See c. 5, §§ 38-52.

Representative Districts.

Sec. 73. Vacancies in representative districts. R. S. c. 7, § 72. When the selectmen of the oldest town in a district are notified or otherwise satisfied, that at the last meeting of the district for the election of a representative no choice was affected, or that the seat of their representative has been vacated, they shall, as soon as may be, leaving a convenient time for calling meetings in the several

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towns, appoint a day of election to fill such vacancy, and notify the selectmen of the other towns accordingly.

See §§ 57, 71; 70 Me. 560, 570.

Sec. 74. Meetings and proceedings. R. S. c. 7, § 73. The selectmen of the several towns shall call meetings upon the day appointed, and proceedings shall then be had, as required by the constitution and laws for the election of representatives on the second Monday of September.

Voters in Unincorporated Places and on Islands.

Sec. 75. Electors on unincorporated islands and places, may vote in adjacent towns, and be taxed there for state and county taxes. R. S. c. 7, § 74. Electors living on islands adjacent to the mainland along the coast of the state and within the jurisdiction thereof, but not incorporated with any town, and all such electors living in other unorganized places may furnish lists of their polls and estates to the assessors of any adjacent town, on or before the first day of each April, and said assessors shall assess state and county taxes upon all such persons, and they shall be collected in the same manner and by the same officers as if such electors were inhabitants of such town. And such electors so presenting their polls and estates may vote in such town in all elections for governor, senators, representatives and county officers.

See Const., Me. Art. iv, Part 1, § 5; Part 2, § 3; 90 Me. 374.

Plantations.

Sec. 76. List of voters prepared, posted and corrected. R. S. c. 7, § 75. The assessors of each plantation shall, on or before the eleventh day of August in each year in which an election for governor, senators, and representatives is held, prepare a list of such inhabitants within its limits, as they judge to be constitutionally qualified to vote in the election of such state officers; deposit it in the office of the plantation clerk; and post and correct it in the manner required in case of towns.

Sec. 77. State officers, meetings to be called for their choice. R. S. c. 7, § 76. They shall call a meeting of such voters, to be held on the second Monday of September in every such year, at some convenient and central place in the plantation, for the election of governor, senators, and representatives to the legislature, by a warrant in due form by them signed, in which the time, place, and purposes of the meeting shall be set forth; and notice shall be given by posting a copy thereof in one or more public places in the plantation at least seven days before the day of meeting. Similar notice shall be given of all meetings for choice of United States senators, representatives to the legislature, or to congress, of state and county officers, and of electors of president and vice-president.

Sec. 78. Votes, how received; list of votes and voters to be returned to the secretary of state. R. S. c. 7, § 77. Such assessors shall preside impartially at all such meetings, receive the votes of all voters present, sort, count and declare them in open plantation meetings and in presence of the clerk, who shall form a list of the persons voted for, with the number of votes for each person written out in words against his name, and make a full record thereof in presence of the assessors and in open plantation meeting. The clerk shall make fair copies of the list of voters so posted as corrected, and of the names of all voters on said list who were present and voted at said election, which shall be attested by the assessors and the clerk in open plantation meeting, and he shall cause the record of said votes to be delivered, within the time required by the constitution and the laws, to the person appointed to receive them, and shall

cause the copy of the list of voters and of the names of the persons present and voting to be transmitted to the secretary of state with the record of votes aforesaid.

Sec. 79. Votes to be allowed in elections, as in towns. R. S. c. 7, § 78. Votes so thrown shall be received and allowed for electors of president and vice-president of the United States, for governor, state auditor, senators, and representatives to the legislature and to congress, United States senators and for county officers, the same as votes thrown in a town in said county.

Sec. 80. Votes to be rejected on failure of plantation to comply with legal provisions; secretary of state to furnish blanks. R. S. c. 7, § 79. If it does not appear by the return of the lists of voters so posted, and of the names of the voters on said list who were 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 section seventy-eight has been fully complied with, such votes shall be rejected. The secretary of state shall furnish to the clerks of such plantations suitable blanks for the returns herein required.

Soldiers Authorized to Vote.

Sec. 81. Inmates of National Home, residence of, and right to vote, established. R. S. c. 7, § 80. All persons who now are, or may hereafter become inmates of the National Home for disabled volunteer soldiers at Togus, in the county of Kennebec, or subject to the rules and regulations thereof, or shall receive rations therefrom, shall be deemed citizens of the respective towns in which they had a legal residence when their connection with said National Home commenced, so long as such connection shall continue therewith, but any person connected with the National Home as aforesaid, but having a domicile in a town, in this state, outside of said Home and a voting residence therein, shall not be disqualified from voting in the town in which he has such residence, on account of his connection with said Home.

Sec. 82. Citizens absent in military service (if not in regular army) may vote for presidential electors. R. S. c. 7, § 81. All citizens of the state absent therefrom in the military service of the United States or of this state, and not in the regular army of the United States, may vote for electors of president and vice-president of the United States on the day designated by law for the election of those officers, in the manner authorized by, and in conformity with section four of article two of the constitution as amended. The names of the voters shall be entered on the poll lists by counties, and the returns of said elections, with the poll lists, shall be delivered into the office of the secretary of state on or before the Thursday next before the first Wednesday of December in each year when a presidential election occurs.

Sec. 83. Citizens absent in military service (if not in regular army) allowed to vote for congressmen, and for state and county officers. R. S. c. 7, § 82. All citizens of the state absent therefrom in the military service of the United States or of this state, and not in the regular army of the United States, may vote for governor, state auditor, senators and representatives to the legislature, county officers, United States senator and representatives to congress on the day designated by law for the election of such officers. Such elections shall be held and conducted in the same manner and under the same regulations as those provided for allowing citizens absent from the state in the military service to vote for electors of president and vice-president, and returns thereof shall be made in the same manner to the office of the secretary of state. Such citizens shall present

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but one ballot, upon which shall be printed the names of all candidates voted for and the offices which they are intended to fill, and one poll list and one return of votes only is necessary.

Sec. 84. Secretary of state to prepare poll lists, etc. R. S. c. 7, § 83. The secretary of state shall seasonably prepare and cause to be delivered to each regiment and battery without the state, a sufficient number of blank poll lists and forms for returns of votes in conformity with the provisions hereof and with article two, section four of the constitution; and said section of the constitution and sections eighty-two to eighty-five inclusive of this chapter shall be printed in each poll list so delivered.

Sec. 85. Governor and council may correct errors and frauds in return of soldiers' votes. R. S. c. 7, § 84. The governor and council may correct errors and frauds, if any, in all returns of votes given by soldiers in the army for county officers. But no informality, merely, shall authorize the rejection of such return, if it appears on its face, or otherwise, that the provisions of the constitution and of this chapter, were substantially complied with.

Contested Elections.

Sec. 86. Notice of intention to contest seat in house of representatives; testimony, how taken and presented; neglecting party denied postponement. R. S. c. 7, § 85. Notice of intention to contest the right of any person claiming to be elected to the house of representatives, with a statement of the reasons for so doing, may be served on such person by the contestant at any time after the election, and shall be served at least fifteen days prior to the organization of the house; and all testimony on either side shall be by depositions taken in accordance with the statute or by parol evidence, and presented to said body within three days from the commencement of the session. If this law is not strictly complied with, except in extreme cases where injustice would be done if a continuance was not allowed, the party neglecting shall be denied a postponement, and the committee on elections shall proceed to determine the case by the testimony before them.

Sec. 87. Petition of contestant, when to be presented to house of representatives; depositions. R. S. c. 7, § 86. When any person intends to contest before the house of representatives the right of any other person to his seat therein, he shall present his petition to said house within three days after its organization, stating the grounds upon which he proposes to contest such seat. Depositions may be taken in the manner authorized by chapter one hundred twenty in cases of contested senatorial elections.

Sec. 88. Claimant of county or municipal office to proceed as in equity. R. S. c. 7, § 87. Any person claiming to be elected to any county or municipal office, or to the office of county attorney, may proceed as in equity against the person holding or claiming to hold such office, or holding a certificate of election to such office, or who has been declared elected thereto by any returning board or officer, or who has been notified of such election, by petition returnable before any justice of the supreme judicial court, in term time or vacation, in the county where either party resides, or where the duties of such office are to be performed, and said court shall have jurisdiction thereof.

86 Me. 43; 98 Me. 90; 106 Me. 510; 108 Me. 164, 178; 110 Me. 205, 450; 111 Me. 45, 328; 113 Me. 486; 114 Me. 443; *116 Me. 188; *118 Me. 101; 122 Me. 525; 123 Me. 106.

Sec. 89. Petition of claimant to be filed in clerk of court's office; proceedings; judgment. R. S. c. 7, § 88. The petition shall state the names and residences of the several parties and the facts upon which the claimant relies to

maintain his suit, and shall be signed by him and verified by his oath. Such petition shall be filed in the office of the clerk of courts in the county where it is returnable, and the time of hearing thereon shall be appointed by said justice, and indorsed upon said petition. Notice of pendency of said suit, and the time and place of hearing upon said petition shall be served on the adverse party, by giving him in hand, or leaving at his last and usual place of abode, a copy of said petition and order of the court thereon, or in such other manner as the court directs, and such notice shall be given at least seven days before such hearing. The parties, or their counsel, shall be heard upon written or oral testimony, according to the practice in like procedure, and in such manner as the justice directs; and if it appears upon such trial or hearing that the petitioner has been elected, and is entitled by law to the office claimed by him, or if such adverse party fails to appear, such justice shall render judgment in favor of such petitioner, if he is found, upon hearing, to be entitled thereto.

86 Me. 54; 106 Me. 510; 108 Me. 164, 178; 110 Me. 450; 111 Me. 51, 324; 114 Me. 443; 116 Me. 188; 118 Me. 101; 122 Me. 525.

Sec. 90. Appeal. R. S. c. 7, § 89. Either party may, within ten days after rendition of said judgment, enter an appeal therefrom in the office of the clerk in the county where said judgment is rendered, which appeal shall briefly set forth the reasons therefor, and an attested copy of said appeal shall be served upon the appellee or his attorney within ten days after the same has been filed, in such manner as the justice orders. The appellant shall cause copies of the petition, pleadings, findings, and testimony upon which judgment is rendered, approved by the justice before whom the hearing is had, to be printed and transmitted to the chief justice within twenty days after such appeal is taken, with written argument thereon. A copy of such argument shall, within said twenty days, be served upon the adverse party or his attorney, who may forward within ten days thereafter an argument in reply, and thereupon the justices of said court shall consider said cause immediately, and decide thereon and transmit their decision to the clerk of the county where the suit is pending, and final judgment shall be entered accordingly.

86 Me. 54; 88 Me. 54; 106 Me. 510; 108 Me. 164, 178; 110 Me. 450; 111 Me. 47, 328; 114 Me. 35, 443; 122 Me. 525.

Sec. 91. Court may issue order where final judgment has been rendered. R. S. c. 7, § 90. Where final judgment has been rendered, any justice of said court may issue an order to the party unlawfully claiming or holding said office, commanding him to yield up to the officer who has been adjudged to be lawfully entitled thereto, said office, and all papers, records, moneys, and property connected therewith or belonging thereto, and may enforce said order by fine or imprisonment, or both, and thereupon said party, in whose favor such judgment is rendered, shall be qualified and enter upon the duties of such office, and hold the same until the expiration of the term for which he has been elected.

86 Me. 54; 106 Me. 510; 108 Me. 164, 178; 110 Me. 204, 450; 111 Me. 47, 328; 114 Me. 35, 443; 122 Me. 525.

Sec. 92. Costs. R. S. c. 7, § 91. The prevailing party shall recover costs, and double or treble costs may be awarded in the discretion of the justice.

86 Me. 54; 106 Me. 510; 108 Me. 164, 178; 110 Me. 450; 111 Me. 328; 113 Me. 492; 114 Me. 35; 122 Me. 525.

Regulations Affecting Purity of Elections. Penalties.

Sec. 93. Penalty, if voter allows his ballot to be seen, or makes false statement as to inability to mark ballot, or for interfering with voter when marking ballot. R. S. c. 7, § 92. A voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person with an apparent intention of letting it

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be known how he is about to vote, or who shall make a false statement as to his inability to mark his ballot, or any person who shall interfere or attempt to interfere with any voter when inside said enclosed space or when marking his ballot, or who shall endeavor to induce any voter before voting to show how he marks or has marked his ballot, shall be punished by fine of not less than five, nor more than one hundred dollars; and election officers shall report any person so doing to a police officer or constable, whose duty it shall be to see that the offender is duly brought before the proper court.

106 Me. 516.

Sec. 94. Penalty for destroying nomination lists, cards of instructions, specimen ballots posted for instruction. R. S. c. 7, § 93. Any person who shall, prior to an election, wilfully deface or destroy any list of candidates posted in accordance with the provisions of this chapter, or who, during an election, shall wilfully deface, tear down, remove, or destroy any card of instructions or specimen ballot printed or posted for the instruction of voters, or who shall, during an election, wilfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot, or shall wilfully hinder the voting of others, shall be punished by fine of not less than five, nor more than one hundred dollars.

Sec. 95. Penalty for destroying any nomination paper or letter of withdrawal; or falsely filing same, etc. R. S. c. 7, § 94. Any person who shall falsely make or wilfully deface or destroy any certificate of nomination or nomination paper, or any part thereof, or any letter of withdrawal, or file any certificate of nomination or nomination paper, or letter of withdrawal, knowing the same or any part thereof to be falsely made; or suppress any certificate of nomination or nomination paper, or any part thereof which has been duly filed, or forge or falsely make the official indorsement on any ballot; or wilfully destroy or deface any ballot, or wilfully delay the delivery of any ballots, or shall take or remove any ballot outside of the enclosure provided for voting before the close of the polls shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the jail not more than one year, or by both such fine and imprisonment.

Sec. 96. Penalty for neglect of duty by public officer. R. S. c. 7, § 95. Any public officer upon whom a duty is imposed by sections twenty-nine to thirty-six both inclusive, of chapter seven, and by sections one to twenty-one, both inclusive, of this chapter, who shall wilfully neglect to perform such duty, or who shall wilfully perform it in such a way as to hinder any object of said sections, shall be punished by a fine of not less than five, nor more than one thousand dollars, or by imprisonment in jail for not more than one year, or by both such fine and imprisonment.

Sec. 97. Penalty if election clerk offers to assist voter before being directed to do so. R. S. c. 7, § 96. Any election or ballot clerk who shall assist, or offer to assist any voter, before such clerk shall have been directed by the presiding officer or officers to so assist such voter, shall be punished by a fine of not less than twenty-five, nor more than one hundred dollars or by imprisonment not exceeding sixty days for each offense, and thereafter shall be disqualified from holding the office of election or ballot clerk.

Sec. 98. Penalty, if any person shall sell his vote. R. S. c. 7, § 97. Whoever shall offer, or promise, or agree to receive any money or other valuable consideration for giving in his vote at any election held under the provisions of the constitution or of this chapter, and shall in accordance with such offer, promise, or agreement give in his vote at such election shall be fined not more than one hundred dollars, or imprisoned not more than one year, and shall be excluded from the right of suffrage for a term of ten years.

Sec. 99. Copies of § 98 to be furnished, and posted in voting precincts. R. S. c. 7, § 98. The secretary of state shall furnish the mayors of cities, the selectmen of towns, and assessors of plantations with copies of the preceding section in a printed form suitable to be posted in conspicuous places in the voting precincts of every city, town, or plantation, and said officers shall cause such copies to be so posted.

Sec. 100. Penalty for neglect, misfeasance of selectmen or other officers. R. S. c. 7, § 99. If any town officer, or such officer chosen pro tempore, wilfully neglects or refuses to perform any duty required of him, or wilfully does, authorizes, or permits to be done anything prohibited by the constitution or by this chapter, he shall for each offense, forfeit not less than fifty, nor more than five hundred dollars, and be imprisoned not more than nine, nor less than three months, except where otherwise expressly provided in this chapter.

10 Me. 111.

Sec. 101. Penalty for violating § 29. 1917, c. 47. Any person violating the provisions of section twenty-nine shall be punished by fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment for thirty days.

Sec. 102. Penalty for not complying with the provisions of § 33. R. S. c. 7, § 100. Any presiding officer or town, plantation, ward, district, or precinct clerk who does not comply with the requirements of section thirty-three or evades or attempts to evade the same, and any person who violates any provision of said section, or hinders or attempts to hinder any election officer or any town, plantation, ward, district, or precinct clerk in the performance of his duties under said section shall be punished for each offense by a fine of not less than fifty dollars nor more than five hundred dollars, and by imprisonment for not less than three, nor more than nine months.

See § 117.

Sec. 103. Penalty for neglect to issue warrants for state or national elections. R. S. c. 7, § 101. If aldermen of cities, selectmen or towns, or assessors of plantations neglect to issue their warrant as required by law for a meeting for choice of state or county officers, representatives to the legislature, or to congress, United States senators, or of electors of president and vice-president of the United States, they each forfeit fifty dollars to their city, town, or plantation, to be recovered in action of debt by the treasurer, or by any citizen thereof when said treasurer is a member of the delinquent board.

See § 117.

Sec. 104. Penalties, how recovered. R. S. c. 7, § 102. Any penalty provided in this chapter, which may be recovered by the treasurer, may, if the treasurer refuses or neglects for ten days after written request of any voter to commence suit therefor, be recovered by said voter in a suit in his own name, to the same uses as if recovered by said treasurer.

Sec. 105. Penalty for neglect of constable to summon voters; for wilful neglect to be recovered by indictment. R. S. c. 7, § 103. If any person required to summon the voters of a city, town, or plantation to assemble at any meeting for choice of any officers mentioned in section one hundred and three neglects to do or to make due return of the warrant therefor, he forfeits twenty-five dollars to his city, town, or plantation for each offense, to be recovered as provided in said section; but if he wilfully neglects or refuses, he forfeits not less than fifty, nor more than two hundred dollars, half to the state and half to the prosecutor, to be recovered by indictment.

See § 117.

Sec. 106. Penalty for neglect of selectmen to deposit and post lists. R. S. c.

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7, § 104. If selectmen of a town or assessors of a plantation wilfully neglect to deposit a list of voters with the town or plantation clerk, or to post such lists, as are hereinbefore required, they each forfeit not less than fifty, nor more than one hundred dollars; and for each day's neglect after the twentieth day of August, and until the state election next ensuing, they each forfeit thirty dollars.

Sec. 107. Penalty for their neglect to keep check list or to reject illegal votes. R. S. c. 7, § 105. If such selectmen or assessors wilfully neglect or refuse to keep and use a check list, as provided in section twenty-eight, or wilfully receive any vote prohibited by section thirty-one, or fraudulently receive the vote of any person not qualified to be an elector, as provided by the constitution, they each forfeit not less than fifty, nor more than one hundred dollars.

See § 117: 119 Me. 333.

Sec. 108. Penalties, of two preceding sections, how recoverable. R. S. c. 7, § 106. The penalties in the two preceding sections may be recovered in an action of debt, in the name and to the use of the town or plantation, where the offense is committed, to be prosecuted to final judgment at the request of any voter therein, by the treasurer, unless he is one of the delinquent officers, and in that case, by one of the constables.

Sec. 109. Penalty for striking names from list without notice. R. S. c. 7, § 107. Any municipal officer who strikes from the list of voters, after it has been prepared and posted, the name of any person residing in the town, without the notice and opportunity for hearing provided in section thirty-nine of chapter six, forfeits not less than twenty, nor more than one hundred dollars, to be recovered in an action on the case by the person whose name was struck out.

Sec. 110. Penalty for altering, erasing, etc., names, or voting in another's name. R. S. c. 7, § 108. Whoever wrongfully alters, erases, or mutilates any name on a list of voters, or fraudulently votes in the name of another or under an assumed name shall for each offense be punished by fine not exceeding three hundred dollars or by imprisonment in the county jail not exceeding one year.

See c. 6, § 33.

Sec. 111. Penalty for neglect to supply lost return. R. S. c. 7, § 109. If any town officer, or any such officer chosen pro tempore, wilfully neglects or refuses to perform the duties required by sections fifty-one, fifty-two and fifty-three, on notice of the loss and destruction of any return therein described, he forfeits not less than one hundred, nor more than five hundred dollars.

Sec. 112. Penalty for making false certificate. R. S. c. 7, § 110. Any such officer, permanent or pro tempore, who in such case makes a false certificate and makes oath to its truth shall be punished for perjury and be disqualified from holding any office under the constitution and laws of the state for ten years.

See c. 133, § 1.

Sec. 113. Penalty for neglect of duty under § 34. R. S. c. 7, § 111. Any presiding officer or any city, town, or plantation clerk who shall neglect to perform any duty imposed by section thirty-four shall be punished as provided in section ninety-six of this chapter.

See § 117.

Sec. 114. Penalty for neglect of duty under §§ 17, 18, 46. R. S. c. 7, § 112. Any election officer, selectman, warden, election clerk, ballot clerk, town clerk, or other officer however designated, who shall neglect to perform any duty imposed by section seventeen or by section eighteen or by section forty-six, and any person who shall abstract from or in any manner tamper with packages of ballots, or shall break any seal affixed to any package of ballots or to any box containing packages of ballots before such package of ballots or such box is delivered at the office of the secretary of state, or shall in any manner abstract

from or tamper with unused ballots, shall be punished as provided in section one hundred two of this chapter.

Sec § 117.

Sec. 115. Penalty for neglect of persons to whom returns are entrusted for delivery. R. S. c. 7, § 113. If a person, to whom returns of votes of any city, town, or plantation for governor, senators, or representatives in congress are entrusted by the clerk thereof to be forwarded to the office of the secretary of state, wilfully neglects to use all proper means for their delivery, within the time required, he shall forfeit not less than one hundred, nor more than five hundred dollars, or be imprisoned not less than two, nor more than six months.

Sec. 116. County attorneys to prosecute for wilful negligence in not delivering returns. R. S. c. 7, § 114. Every county attorney who receives from the secretary of state a certificate that the return of votes of any town in his county for governor, senators, or representatives in congress has not been duly received at the secretary's office shall immediately ascertain, so far as he can, by the default of what officer or person such neglect happened, and demand of him, if he finds such default wilful or caused by culpable negligence, the sum thereby forfeited; and if it is not immediately paid he shall prosecute such delinquent.

Sec. 117. Liability of town officers limited; neglect deemed wilful unless contrary is shown. R. S. c. 7, § 115. In no case, except as in sections one hundred and three and one hundred and five, shall an officer of a town incur any punishment, or be liable in damages by reason of his official acts or neglects, unless they are unreasonable, corrupt or wilfully oppressive; but the neglect to prepare the lists of voters; to deposit it in the town clerk's office; to post it, as required herein; to call town meetings for elections; to comply with the requirements of, or to perform any duty imposed by sections seventeen, eighteen, thirty-three, thirty-four, and forty-six, or either of them; to cause returns of votes, or copies thereof to be delivered into the office of the secretary of state, as required by the constitution and laws; or to make the records by law required shall be deemed wilful and unreasonable, unless the contrary is shown.

See c. 6, §§ 38, 39, 44, 46; see §§ 22, 28, 31, 44, 45, 51, 53, 103, 105, 107; *76 Me. 162, 217; 102 Me. 437; *111 Me. 47.

Sec. 118. Penalty for misconduct of electors at elections. R. S. c. 7, § 116. 1917, c. 164. At any meeting for the election of any officer, where a list of voters is necessary, whoever wilfully votes before the presiding officer has had opportunity to find his name on said list, or knowing that it is not on it, or wilfully gives any false answer or statement to the municipal officers of towns, cities or plantations when they shall be previously preparing such list, or presiding at such meeting, in order that his name or the name of any other person may be entered on such list, or his vote or that of another be received; or casts more than one vote at one balloting, or is disorderly at such meeting, forfeits for each offense, not exceeding one hundred, nor less than ten dollars.

56 Me. 513; *96 Me. 433.

Sec. 119. Penalty for military parades on election day. R. S. c. 7, § 117. Any officer of the militia who, except in time of war or public danger, parades his men, or exercises any military command on a day of election, *as described in section seventy-six of chapter fifteen, and not thereby excepted*, [except in cases of riot, invasion, or insurrection, or imminent danger thereof, or of public danger resulting from flood, conflagration, or tempest,] forfeits for each offense not less than ten, nor more than three hundred dollars.

Note. The reference to section seventy-six of chapter fifteen, in this section, is to that chapter and section of the revised statutes of 1916, which was omitted in the subsequent revision of the military law, leaving a dilemma as to the proper disposition of the present section. The question was taken up with the military authorities, but as no suggestion

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has come from them, the commissioner suggests redrafting the present section as indicated above. This section has never been specifically repealed and it seems unlikely that the legislature would abandon a position so fundamental to the supremacy of civil government.

One staff officer has suggested that armory drills should be included in the exception but the commissioner questions the expediency of this.

Sec. 120. Penalties in §§ 118, 119, how recoverable. R. S. c. 7, § 118. The penalties, provided in the two preceding sections, may be recovered by indictment, half to the state and half to the prosecutor.

Sec. 121. Penalty for bribery and corruption at elections. R. S. c. 7, § 119. Whoever by bribery, menace, wilful falsehood, or other corrupt means, directly or indirectly attempts to influence any voter in giving his vote or ballot or to induce him to withhold it, or disturbs or hinders him in the free exercise of his right of suffrage at any election held under the provisions of the constitution or of this chapter, and whoever receives or offers to receive a bribe for his vote as aforesaid shall be fined not more than five hundred dollars or imprisoned not more than one year and be ineligible to any office for ten years.

*73 Me. 94.

Sec. 122. Penalty for knowingly voting where not entitled. R. S. c. 7, § 120. Whoever, at an election of state and county or municipal officers or of electors of president and vice-president, knowingly votes in any city, town, or plantation where he has no legal right to vote shall be imprisoned in the county jail not less than three months, nor more than one year.

57 Me. 149.

Sec. 123. Betting on elections punished; wager forfeited to town; recovery. R. S. c. 7, § 121. No person shall make a bet or wager upon the result of any election in the state, in money or in any kind of property, real or personal, under penalty of forfeiting the money or property so bet or wagered to the town in which he resides, or if he does not reside in the state, then to the town in which the bet or wager is made, to be recovered in an action on the case. The mayor of the city or the treasurer of the town or plantation entitled to such forfeiture shall forthwith proceed to sue for it, as soon as he has proper evidence of such betting or wagering.

*69 Me. 121; 70 Me. 496; 114 Me. 443.

Sec. 124. Money paid on bet may be recovered. R. S. c. 7, § 122. Any party to such bet or wager, who has paid or conveyed to the winning party the money or property so bet or wagered, may recover it, or its value, in an action on the case.

68 Me. 531.

Sec. 125. Conveyances for such purposes void; forfeit to town. R. S. c. 7, § 123. All conveyances, by deed or otherwise, of any interest in real estate made by reason of any such bet or wager, are void; the person making them forfeits the full value of the interest so conveyed to the town entitled to the forfeiture for such betting or wagering, to be recovered as aforesaid.

Note. The penalties in this chapter might well be revised. Some of them may have inadvertently enlarged the offense to a felony by specifying a maximum punishment of imprisonment for one year which involves sentence to the state prison. This brings the offense within the meaning of an "infamous crime," (see Const. of Me., Art. I, sec. 7,) requiring presentment or indictment of a grand jury. This may in some instances have been the clear intention of the legislature. But in many instances, both here and elsewhere in the statutes, this distinction was apparently not thought of. See also definition of felony, c. 143, § 11, also c. 147, § 3. The practical results are defined in 121 Me. 94.

Here and elsewhere the commissioner recommends reducing the penalty where it can be done, so as to bring the offense within the jurisdiction of the lower courts.

CHAPTER 9.

Absent Voting Act.

Sec. 1. Term "absentee voters" defined. 1921, c. 38, § 133. An absentee voter is hereby defined to be any person who is a duly qualified registered voter and, in respect to any primary election, duly enrolled as a member of the political party in the primary of which he proposes to vote, but who, through absence from the city or town in which he is entitled to vote, is unable to cast his ballot at the polling place where he is entitled to vote, at any city election, at any primary election held pursuant to sections one, twenty-three, and twenty-four of chapter seven of the revised statutes of Maine, or at any general or special state election as the term state election is defined in section one of chapter eight of the revised statutes of Maine, including also elections for the choice of electors of president and vice-president of the United States, elections held in accordance with the initiative or referendum provisions of the constitution of Maine, and elections to vote upon amendments to the constitution of Maine.

Sec. 2. Secretary of state to prepare ballots, blank forms, instructions, etc. for city and town clerks. 1921, c. 38, § 134. Thirty days at least, when practicable, prior to any election at which absentee voting is authorized, and in other cases as early as may be practicable, the secretary of state, or in case of city elections the respective city clerks, shall prepare, in such quantities as the official preparing same may deem necessary, the following papers:

(a) **Ballots, form of.** Official absent voting ballots similar in all respects to the official ballots to be used at such election, except that the words, Official Absent Voting Ballot, shall be printed conspicuously on the back and outside thereof.

(b) **Blanks for applications for ballots.** Blank forms of application for such ballots worded as follows, but varying the bracketed word (state) so as to properly designate the election then next to be held, and omitting the bracketed clause concerning enrolment in elections other than primary:

I, _____, hereby apply for an official absent voting ballot. I am a legal resident of the city or town of _____, in the county of _____, State of Maine. I am a duly qualified and registered voter, and am, as I believe, entitled to vote at the next (state) _____ election, at precinct _____, ward _____, in the city or town of _____, in the county of _____ and State of Maine.

(I have conformed to all the requirements of the laws of Maine relative to enrolment and am entitled to vote for the nomination of candidates of the _____ party.)

My address, including street and number if any, on April first of the present year was _____ and is now _____

(Signature).....

We, the undersigned, a majority of the officials having charge of the registration of voters of the city or town of _____ hereby certify that the above signature, to the best of our knowledge and belief, appears to be genuine, and that we believe the facts stated in above application to be true.

(Signatures).....

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(c) **Envelopes for ballots.** Envelopes of sufficient size to contain the ballots specified in clause (a) bearing on their reverse the following affidavit:—

State of }
County of } ss.

I, _____, do solemnly swear that I am a legally registered voter in the city or town of _____, in the county of _____, and State of Maine, and entitled to cast within ballot; that I am unable to cast my ballot on election day at the polling place where I am entitled to vote because I shall be absent from said town of _____ on election day for the following reasons: (here insert reasons) _____ that I have carefully read the instructions forwarded to me with the ballot herein inclosed; that I showed to the undersigned person taking my oath hereto, said ballot unmarked; that I then marked said ballot and sealed it in this envelope, all in his presence and in the presence of no other person, but without his seeing how I marked said ballot and without communicating to him how I voted or intended to vote.

(Signature).....

Subscribed and sworn to before me by the above affiant, personally known to me, this _____ day of _____ 19____, in the city or town of _____, state of _____.

I hereby certify that the above statements made by said affiant are true to the best of my knowledge and belief and that I have no knowledge as to how said affiant voted.

(Official seal, if any.)

Name.....

Residence.....

Official Title.....

(d) **Envelopes in which to enclose the envelope containing the ballot.** Envelopes of sufficient size to contain the preceding addressed to the clerk of the city or town of _____, county of _____, State of Maine, having at the top blank spaces for the name, voting residence, and voting place of the sender with the words "Name," "Voting Residence," "Ward" and "Precinct" appropriately printed thereon.

(e) **Copies of Absent Voting Act with instructions.** Copies of this act with such explanatory matter and instructions as the secretary of state, with the approval of the attorney general, or in case of city elections such as the respective city clerks shall deem appropriate to carry into effect the purposes of this act.

Sec. 3. Secretary of state to supply each city and town with as many papers as he deems necessary. 1921, c. 38, § 135. The secretary of state shall supply each city and town clerk in the state with as many as he may deem necessary of the papers prepared by him in accordance with the provisions of the preceding section, and even in city elections shall furnish sufficient copies of this act to said clerks.

Sec. 4. Ballots, blank forms, etc. to be sent to absent voters by city and town clerks upon application. 1921, c. 38, § 136. The papers mentioned in clauses (b) and (e) of section two shall, as soon as they can be prepared, be delivered to any person who by mail or otherwise applies therefor to the clerk of the city or town where he is entitled to vote. All other papers described in said section shall be mailed without unnecessary delay, postage prepaid, by the city or town clerk applied to as aforesaid, to all absentee voters who seasonably file the application set forth in said clause (b), provided said application is duly certified by the proper officials as set forth in the next following section of this act.

Sec. 5. When application is received, clerk to submit it to officials charged with registration of voters; said officials to certify to genuineness of applicant; if not certified as genuine, applicant to be notified; applications to be preserved and note to be made on check list. 1921, c. 38, § 137. When an application for an official absent voting ballot is received by the clerk of a city or town, he shall forthwith transmit same to the officials charged by law with the registration and enrolment of voters in said city or town. Said officials shall examine same; and, if they believe the signature thereon to be genuine and the statements therein made by the applicant to be true, they shall execute the certificate thereon and return same to said clerk. The city clerk shall cause to be placed on the voting list, opposite the name of each person to whom an official absent voting ballot is mailed or delivered, and prior to the opening of the polls on election day, the letters in capitals A. V. If said officials do not believe said signature to be genuine or said statements made by the applicant to be true, or decline to execute the said certificate, they shall forthwith mail to the purported applicant at his last address as stated on said application written notice to that effect, giving their reasons for so declining. They shall preserve the application until the time set by law for the destruction of ballots cast in the coming election, at which time said application shall also be destroyed. The clerk shall keep lists of the names and addresses, arranged by voting precincts, of all voters filing applications for absent voting ballots, and shall post copies of said lists for public inspection at each polling place.

Sec. 6. How the voter who has received an absent voting ballot may vote. 1921, c. 38, § 138. A voter who has executed and filed an application for an official absent voting ballot with the clerk of the city or town in which he is a registered voter may, after his application is certified and he has obtained an official absent voting ballot as provided in the two sections last preceding, vote by mailing said ballot as hereinafter provided or by delivering said ballot in person, to such city or town clerk. He shall mark said ballot in the presence of any official authorized by law to administer oaths, if the marking is done within the State of Maine, and in the presence of any notary public having a seal, if the marking is done outside of the State of Maine; but, in either case, no person other than the voter and the official taking his oath shall be present during the marking and sealing of said ballot. Before marking said ballot, the voter shall exhibit it to said official, who shall satisfy himself that it is unmarked, but he shall not allow said official to see how he marked it. Said official shall hold no communication with the voter, nor he with said official, as to how he is to vote. Thereafter the voter shall enclose and seal the ballot in the envelope provided for in clause (c) of section two. He shall then execute before said official the affidavit on said envelope as set forth in said clause (c), said official shall endorse thereon the certificate provided for in said clause (c) and affix his official seal, if any, and said voter shall enclose and seal the envelope with the ballot in the envelope provided for in clause (d) of section two, endorse thereon his name, address and voting place, and mail the same within the time prescribed in the following section, by registered mail requesting return receipt therefor, postage prepaid, at any post office, or may deliver same in person as above provided.

Sec. 7. When ballots shall be mailed or delivered by absent voter. 1921, c. 38, § 139. All ballots cast under the provisions of the preceding section shall be mailed on or prior to the day of election, or, if delivered in person, shall be delivered at least twenty-four hours before the opening of the polls at the voter's polling place on the day of the election. The postmark, if legible, shall be con-

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clusive evidence of the time and place of mailing. Any clerk, if requested there-to, shall give to any person delivering such ballot in person a receipt therefor setting forth the precise date, hour, and minute of the delivery.

Sec. 8. Procedure to be employed by clerk upon receipt of envelope purporting to contain absent voting ballot. 1921, c. 38, § 140. Upon receipt of an envelope purporting to contain an official absent voting ballot, the clerk of the city or town shall attach thereto the application for an official absent voting ballot executed by the voter whose name appears thereon and certified by the registration officials as hereinbefore provided. All such envelopes shall be preserved unopened. Upon election day before the hour for closing the polls the said clerk shall deliver all envelopes received by him to the election officials in the several voting precincts in which the voters named therein assert the right to vote, together with a list signed by him of the voters' names and addresses as shown upon said envelopes.

Sec. 9. Procedure to be employed by election officials at polls, in respect to absent voting ballots. 1921, c. 38, § 141. Immediately after the closing of the polls, and after the ballots cast have been removed from the ballot box, the presiding officer in each polling place shall open all envelopes delivered to him under the provisions of the preceding section and shall compare the signatures on the envelopes therein enclosed with the signatures on the applications attached thereto, and shall examine the affidavits. If the affidavits are duly and properly executed in accordance with the provisions of this act, and if the voter's signatures on the affidavits appear to be made by the same persons who signed the applications, and to be the signatures of duly registered voters who have not voted at the election, he shall make public announcement of the names of the absentee voters, open the envelopes in such manner as not to destroy the affidavits thereon, take out the ballots without unfolding them or permitting them to be opened or examined, and, after checking the names of the absentee voters on the voting list, shall deposit the ballots in the ballot box. If he finds an envelope to bear an affidavit not duly and properly executed as aforesaid, or not signed by the same person who signed the accompanying application, or if the voter whose name appears thereon is not a registered voter, is not enrolled when enrollment is requisite to the casting of the ballot, or has voted in person, the presiding officer shall not open the envelope, but shall mark across the face thereof "Rejected as defective," "Rejected as not a voter," "Rejected as not enrolled" or, "Voted in person" as the case may be. In event of its appearing from the color of the ballot at a primary election, when said ballot is taken from its envelope by the said presiding officer, that said ballot is for the nomination of candidates of a party other than that in which the absentee voter is enrolled, said presiding officer, without opening said ballot, shall endorse on the outside thereof and of the envelope containing same, "Rejected as not enrolled in the proper party," and shall thereupon replace said ballot in its envelope and reseal said envelope securely. All envelopes, opened or unopened, shall be retained with the ballots cast at the election, and preserved and destroyed in the manner provided by law for the retention, preservation, or destruction of official ballots. The tally sheets in use at elections shall provide in convenient form for the recording thereon of all envelopes, as well as all accepted or rejected ballots of absentee voters.

Sec. 10. Challenge of absent voting ballots, procedure; penalty. 1921, c. 38, § 142. All absent voting ballots shall be subject to challenge when and as cast by any qualified elector of the city or town where said ballot is presented for non-compliance with this act, or for any reason disqualifying the person whose

ballot is challenged from voting same, and an opportunity shall be given for such challenge by the officer presiding at the polling place, and such officer presiding shall note the fact of such challenge upon the voting list used at said polling place. Said presiding officer shall also note the fact of such challenge together with the name of the voter upon the ballot so challenged, witnessed by two election officers representing two different parties. Any failure to comply with the provisions of this section shall be punishable by a fine not exceeding one thousand dollars or by imprisonment not exceeding two years.

Note. The original section designates this as a misdemeanor, but the penalty makes it a felony. Should it be thought best to make it a misdemeanor the imprisonment should be reduced to less than one year. See c. 143, § 11; c. 147, § 3.

Sec. 11. Ballot not to be rejected for any irregularity; ballot not to be counted if voter has died since application was made. 1921, c. 38, § 143. No ballot transmitted under the provisions of this act shall be rejected for any immaterial addition, omission, or irregularity in the preparation or execution of any writing or affidavit required herein. No ballot presented under the provisions hereof shall be counted if the officers charged with the duty of counting the same are cognizant of the fact that the voter has died prior to the opening of the polls on the day of election.

Sec. 12. Ballots received after close of polls to be retained by clerk until time set for destruction of regular ballots. 1921, c. 38, § 144. All envelopes received by clerks of cities and towns after the hour fixed for the closing of the polls on the day of election shall be retained by them unopened until the time set by law for the destruction of ballots cast at said election, at which time the envelopes shall likewise be destroyed, unopened and unexamined.

Sec. 13. Voter who is in town on day of election and attempts to vote as an absent voter guilty of a misdemeanor. 1921, c. 38, § 145. Nothing herein contained shall prevent a voter who has undertaken to vote at an election in accordance with the provisions of this act from voting at said election in person. In case such voter shall be present on the day of said election, in the city or town where he is entitled to vote, for so long after the opening or so long before the close of the polls therein as to give him time so to do, he shall go in person to the polling place where he is entitled to vote and cast his ballot, or offer to cast his ballot, in person. Any such voter who shall wilfully or knowingly neglect to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars or by imprisonment not more than thirty days in jail, or by both such fine and imprisonment.

Sec. 14. Secretary of state to furnish printed information and full instructions to local election officials in regard to absent voting. 1921, c. 38, § 146. The secretary of state shall prepare for the use of election officials, city and town clerks, and the officials having charge of the registration of voters in the various cities and towns of the state, such printed information and instructions, subject to approval by the attorney general, as he may deem proper to facilitate the operation of this act. Such printed matter shall be transmitted to said officials prior to each election. The secretary is further authorized to prepare and distribute, subject to like approval, such general information relative to this act as he may deem expedient.

Sec. 15. Penalty for violations by private individuals and election officials. 1921, c. 38, § 147. Whoever, not being entitled to vote under the provisions of this act votes or attempts to vote under the provisions hereof, or whoever, being entitled to vote under the provisions of this act, knowingly votes or attempts to

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vote in violation of the terms hereof, or whoever being an official entrusted with the execution of this act wilfully or negligently violates any provision thereof, shall be punished by a fine of not more than five hundred dollars and by imprisonment in jail for not over one year.

Note. As indicated in previous notes, this could probably be reduced to a misdemeanor.

CHAPTER 10.

The Corrupt Practices Act.

Sec. 1. Application to caucuses, primaries, and to elections. R. S. c. 7, § 124. The provisions of this section and the eight following sections shall apply to the election of all officers for whom ballots shall be cast pursuant to the provisions of chapter eight, and to the elections of all officers to be voted for by the legislature or either branch thereof, the board of aldermen, municipal officers, common council or city council of any city, to all caucuses and primary elections preliminary to any such other elections and to all candidates to be voted for at such elections, caucuses and primary elections. The term "caucuses and primary elections" shall include: (a) all meetings held to nominate a candidate for office or to elect delegates to a nominating convention; (b) nominating conventions of such delegates; and (c) caucuses of members of the legislature or either branch thereof, of the board of aldermen, common council, or city council of any city.

Sec. 2. Definitions; appointment of treasurer or political agent to be filed with secretary of state. R. S. c. 7, § 125. The term "political committee" shall include every committee or combination of three or more persons to aid or promote the success or defeat of any political party or principle in any such election, or to aid or take part in the nomination or election of any candidate for public office. The term "treasurer" shall include all persons appointed by any political committee to receive or disburse moneys to aid or promote the success or defeat of any such party, principle, or candidate. The term "political agent" shall include all persons appointed by any candidate before any such election, caucus, or primary election to assist him in his candidacy. No person shall act as any such treasurer or political agent unless, after his appointment and before the election for which he is appointed, a writing designating him as such treasurer or political agent shall be filed with the secretary of state, except that, in case the duties of such treasurer or political agent shall relate to any town, city, or ward election exclusively, or to any caucus or primary election preliminary thereto, such writing shall be filed with the town clerk of the town within which such candidates resides instead of with the secretary of state. The treasurer of a representative-class committee shall file such writing with the town clerk of the town within which he resides. Every such writing shall designate the particular period, election, caucus, or primary election during which such treasurership or political agency shall continue. The treasurer or political agent of any organization or candidate may be the treasurer or political agent of any other organization or candidate, and any candidate for public office may designate himself as his own political agent.

Sec. 3. Contribution of money for election or nomination purposes regulated. R. S. c. 7, § 126. Any person nominated as a candidate for public office, or a

candidate for such nomination, may make a voluntary payment of money to any treasurer or political agent for any of the purposes permitted by this chapter; provided, however, that no person other than such a candidate shall, to aid or promote the success or defeat of any political party or principle, or of any candidate for public office, within six months prior to any such election make a contribution of money or property to any person other than to a treasurer or political agent. Nothing contained herein shall limit or affect the right of any person to expend money for proper legal expenses in maintaining or contesting the results of any such election.

Sec. 4. Only political agents or treasurer may make payments for expenses. R. S. c. 7, § 127. No person other than a treasurer or political agent shall pay any of the expenses of any election, caucus, or primary election, except that a candidate may pay his actual personal expenses for postage, telegrams, telephones, stationery, express, and traveling; but the provisions of this section shall not apply to non-partisan election and ante-election expenses paid for out of the public moneys of the state, or of any town, city, or other municipality.

Sec. 5. Treasurer or political agents may pay certain expenses. R. S. c. 7, § 128. Subject to the foregoing limitations, it shall be lawful for any treasurer or political agent, in connection with any election, caucus, or primary election, to pay the following expenses: (a) of hiring public halls and music for conventions, public meetings, and public primaries, and for advertising the same by posters or otherwise; (b) of printing and circulating political newspapers, pamphlets, and books; (c) of printing and distributing ballots and posters; (d) of renting and furnishing rooms to be used by political committees, and for the reasonable entertainment and refreshment, exclusive of alcoholic beverages, of the members of such committee; (e) of compensating clerks and other persons employed in committee rooms and at the polls; (f) of traveling expenses of political agents, committees and public speakers, and reasonable compensation to public speakers; (g) of necessary postage, telegrams, telephones, printing, newspaper advertising, express, and conveyance charges. The term "conveyance charges" shall include the conveyance of electors to the polls. No treasurer or political agent shall incur any expense for any purpose not authorized by this section.

As applied to primary elections, sec. c. 7, § 18.

Sec. 6. Treasurer or political agent to file statement of money expended or promised; penalty for failure. R. S. c. 7, § 129. Within fifteen days after any such election, every treasurer and every political agent shall file an itemized sworn statement with the officer with whom his designation was filed as aforesaid, which statement shall include the amount of money or property in each case received or promised, the name of the person from whom it was received or by whom it was promised, the amount of every expenditure made or liability incurred, (other than the actual personal expenses of candidates enumerated in section four, which need not be returned), the name of the person to whom such expenditure or promise was made, and shall clearly state the purpose for which such money or property was so expended or promised. Any treasurer or political agent who shall fail to file such a statement within the time required shall be fined twenty-five dollars for each day on which he is in default, unless he shall be excused by the court. This section shall not apply to primary elections held under the provisions of the first twenty-eight sections of chapter seven, nor shall it apply to candidates who are their own political agents, the return required of such candidates under the provisions of the following section being sufficient.

Sec. 7. After election candidates to file statement of contributions, and ex-

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penses; statement to be made if no money was expended; penalty for failure; forfeiture of salary. R. S. c. 7, § 130. Every candidate for public office, including candidates for the office of senator of the United States, shall, within fifteen days after the election at which he was a candidate, file with the secretary of state, if a candidate for a senator of the United States, representative in congress, or for any state or county office, state senator or representative in the legislature, but with the town clerk of the town in which he resides, if he was a candidate for a town, city, or ward office, an itemized, sworn statement setting forth in detail all the moneys contributed, expended, or promised by him to aid and promote his nomination or election, or both, as the case may be, and all existing unfulfilled promises, or liabilities remaining uncanceled and in force at the time such statement is made, whether such expenditures, promises, and liabilities were made or incurred before, during or after such election, excepting, however, his actual personal expenses enumerated in section four, which he need not return. If no money or other valuable thing was given, paid, expended, contributed, or promised, and no unfulfilled liabilities were incurred by a candidate for public office to aid or promote his nomination or election, (other than said actual personal expenses), he shall file a statement to that effect within fifteen days after the election at which he was a candidate. Any candidate who shall fail to file such a statement shall be fined twenty-five dollars for every day on which he is in default, unless he shall be excused by the court. Fifteen days after any such election the secretary of state or the town clerk, as the case may be, shall notify the proper prosecuting officer of any failure to file such a statement on the part of any candidate, and within ten days thereafter such prosecuting officer shall proceed to prosecute such candidate for such offense. This section shall not apply to primary elections held under the provisions of the first twenty-eight sections of chapter seven. No person elected to any office established by the constitution or laws of this state shall receive any salary or emolument for the period during which he shall have failed to file such statement.

Sec. 8. Statements to be preserved and open to inspection. R. S. c. 7, § 131. All statements filed in accordance with the provisions of the two preceding sections shall be preserved for fifteen months after the election to which they relate, and shall, during said period, be open to public inspection. The secretary of state shall, at the expense of the state, provide every town clerk with blank forms suitable for the statements required to be returned to the secretary of state.

Sec. 9. Persons who shall be deemed guilty of corrupt practices and penalty. R. S. c. 7, § 132. The following persons shall be guilty of corrupt practices and shall be punished by a fine of not less than fifty, nor more than two thousand dollars or by imprisonment for not less than thirty days, nor more than two years, or by both: (a) every person who shall directly or indirectly receive, accept, request, or solicit from any person, committee, association, organization or corporation any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, for the purpose of inducing or procuring any person to vote or refrain from voting for or against any person, or for or against any measure at any such election, caucus, or primary election; (b) every person, who, in consideration of any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, paid, received, accepted, or promised to the advantage of himself or any other person, shall vote or refrain from voting for or against any person, or for or against any measure at any such election, caucus, or primary election; (c) every person, other than political committees, treasurers, and political agents, as defined in section two, who shall solicit from any can-

didate for the office of elector of president and vice-president of the United States, of senator of the United States, or representative in congress, or of any state, county, town, city, or ward office, any money, gift, contribution, emolument, or other valuable thing for the purpose of using the same for the support, assistance, benefit, or expenses of any club, company, or organization, or for the purpose of defraying the cost or expenses of any political campaign or election; but this subsection shall not be construed to permit political agents of candidates for the legislature to solicit contributions from candidates for the office of United States senator; (d) every person who shall, directly or indirectly, pay, give, contribute, or promise any money or other valuable thing, to defray, or towards defraying, the cost or expenses of any campaign or election to any person, committee, company, club, organization, or association other than to a treasurer or political agent; but this subsection shall not apply to the actual personal expenses for postage, telegrams, telephones, stationery, express, or traveling incurred by any candidate for office or for nomination thereto; (e) every person who, in order to secure or promote his own nomination or election as a candidate for public office, shall, directly or indirectly, promise to appoint or promise to secure or assist in securing the appointment, nomination, or election of any other person to any public position, or to any position of honor, trust, or emolument, provided, however, that any person may publicly announce his own choice or purpose in relation to any appointment, nomination, or election in which he may be called to take part, if he shall be nominated for or elected to any public office; (f) every person who shall, directly or indirectly by himself or through another person, make a payment or promise of payment to a treasurer or political agent, in any other name than his own, and every treasurer or political agent who shall knowingly receive a payment or promise of payment, or enter or cause the same to be entered in his accounts, in any other name than that of the person by whom such payment or promise of payment is made.

109 Me. 386.

Sec. 10. Political advertisements to be signed. 1921, c. 20. Whoever writes, prints, posts or distributes, or causes to be written, printed, posted or distributed a circular, poster or advertisement which is designed to promote the nomination or election of a candidate for public office or to injure or defeat the nomination or election of any candidate for public office, or to influence the voters on any constitutional amendment or any other question submitted to the voters, or to influence the vote of any member of the legislature, unless there appears upon such circular or poster or advertisement, in a conspicuous place, either the name of the chairman or secretary or of two officers of the organization issuing the same, or of the person who is responsible therefor, with his name and address, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding one hundred dollars, or imprisoned for a period not to exceed thirty days, or by both such fine and imprisonment. Provided, that nothing in this section shall apply to the editorial or news articles of any magazine or newspaper where the same is not a political advertisement, nor to cards, posters, lithographs, or circulars, issued by a candidate advertising his own candidacy.

CHAPTER 11.

Public Lands. Forest Commissioner and Preservation of Forests. Maine Forestry District. Auxiliary State Forests.

Sections 1- 14	Public Lands.
Sections 15- 27	Lands Reserved for Public Uses.
Sections 28- 61	Forest Commissioner and Preservation of Forests.
Sections 62- 67	White Pine Blister Rust.
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Sections 84-100	Auxiliary State Forests.
Section 101	Permanent Fund.

Public Lands.

Sec. 1. Forest Commissioner; appointment; qualifications; bond; duties in respect to public lands. R. S. c. 8, § 1. 1919, c. 71, § 1. 1923, c. 196. The governor with the advice and consent of the council shall appoint a forest commissioner, who shall be a trained forester or a person of skill and experience in the care and preservation of forest lands and shall hold his office for a term of four years and shall give bond to the state in the sum of fifty thousand dollars with sufficient sureties or with one or more surety companies authorized to do business in the state, as surety or sureties, satisfactory to the governor and council for the faithful performance of the duties of his office. The forest commissioner shall superintend and manage the sale and settlement of the public lands. He shall not when appointed, or while in office, be directly or indirectly concerned in the lumber business on the state lands, or in the purchase thereof, or of any timber or grass growing or cut thereon.

Sec. 2. To receive moneys arising from land and attend personally to the duties of his office; no commission allowed; traveling expenses to be paid; number of his clerks and their pay. R. S. c. 8, § 2. He shall receive all moneys and securities accruing to the state from the sale of lands, timber, and grass, or in payment for timber or grass cut by trespassers, and shall pay to the treasurer of state all moneys so received and found due from him on settlement. All securities shall be made payable to said treasurer. He shall personally attend to the duties of his office, so far as practicable; no commission shall be allowed him for his disbursements or collections, and nothing shall be allowed him for traveling expenses from his home to the forest commissioner's office, unless on official business, nor for transportation of the official records, unless money is paid out specifically therefor. All persons employed by him shall be sworn to the faithful discharge of their duties, and they shall not be concerned directly or indirectly in the purchase of lands, or of timber or grass on lands belonging to the state. The number of his clerks shall be determined by the governor and council, who shall fix their compensation.

Sec. 3. Forest commissioner to execute deeds, collect notes, and account monthly to treasurer of state. R. S. c. 8, § 3. He shall execute deeds in behalf of the state, conveying lands which have been granted by the legislature or sold by lawful authority, as soon as the grantees have complied with the conditions

of their respective grants; collect all sums due the state by note or from any source mentioned in this chapter; collect the interest on all notes at least annually, and pay at the expiration of every month into the state treasury all moneys so collected or received by him, after deducting all such payments as devolve upon him to make.

69 Me. 78.

Sec. 4. Certified copies of records of deeds in forest commission recorded in registry of deeds, legal evidence. R. S. c. 8, § 4. A copy from the records in the land office of a deed from the state of the land of the state, or of a deed from the state and from the commonwealth of Massachusetts of the undivided lands of the state and of said commonwealth, or a deed from said commonwealth of the lands of said commonwealth in Maine, certified by the forest commissioner or other legal custodian of such records as a true copy thereof, may be filed and recorded in the registry of deeds in the county or registry district where the land lies, with the same effect as if the deed itself had been recorded, whether said deed shall or not have been acknowledged by the agent or other person making the same; and such record shall have all the force and effect of a record of deeds duly acknowledged, and certified copies thereof from such registry shall be evidence when the original would be.

77 Me. 76.

Note. Tax deeds from treasurer of state, and releases and certificates to be recorded in office of forest commissioner, c. 13, § 46.

Sec. 5. Board for surveys of lands; plans and field notes to be kept at office. R. S. c. 8, § 5. The governor and council and forest commissioner constitute a board under whose direction all surveys of land shall be made. An accurate plan or map of all lands surveyed shall be returned to the forest commissioner's office and entered upon the plan-books within three months after the survey is completed, on which shall be laid down all lakes, ponds, rivers, streams, falls, mill sites, and roads. The field notes of such surveys shall be deposited in the forest commissioner's office within three months and shall contain a description of the growth, soil, and general character of the township, and of every lot, if surveyed into lots. Said plans and field notes shall be kept at the office in Augusta, open for inspection at all times when the forest commissioner or his assistant is there; he shall aid in furnishing information about the public lands to all who seek for it at his office.

Sec. 6. Forest Commissioner authorized to sell lands, and rights to cut timber belonging to the state. R. S. c. 8, § 6. The forest commissioner, under direction of the governor and council, shall sell at public or private sale and grant rights to cut timber and grass belonging to the state and may lease camp sites on lands belonging to the state, on such terms as they direct; also the right to cut timber and grass and lease camp sites on lots reserved for public uses in any township or tract of land until the same is incorporated. Preference in such sales or leases shall be given to citizens of the State of Maine.

Note. License required for maintaining sporting camp within Maine forestry district. c. 37 § 15.

Sec. 7. Commissioner may grant permits; bond; timber held for payment. R. S. c. 8, § 7. The forest commissioner may grant permits to individuals, to cut and haul timber of all kinds upon lands owned by the state, on such terms and conditions as he thinks proper. Persons obtaining such permits shall give bond to the forest commissioner with satisfactory sureties for payment of stumpage and the performance of all conditions of the permit. All timber cut under permits is the property of the state until the stumpage is paid in full.

*17 Me. 23.

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Sec. 8. Surveyors, their appointment, oath, and duty. R. S. c. 8, § 8. Surveyors or scalers shall be appointed by the forest commissioner, and sworn; they shall scale all timber cut under permits, superintend the cutting thereof, and make return to the forest commissioner of the number and quality of the logs cut, whether hauled or not, and the number of feet board measure, and shall see that the timber is cut clean and without strip or waste.

Sec. 9. Forest commissioner's report. R. S. c. 8, § 9. The forest commissioner shall on the first secular day of December biennially report to the governor a particular account of all the doings of his office for the two preceding years; the state auditor shall audit and settle his accounts at the close of each year, and at such other times as the governor and council may designate.

Sec. 10. All deeds made absolute; state lands to be sold at option of forest commissioner in No. 4, R. 4, W. E. L. S., and in No. 14, R. 4, W. E. L. S. R. S. c. 8, § 10. All deeds given by the forest commissioner, providing in substance, "that if the grantee has failed to perform all the duties required of a settler, in conformity to chapter five of the revised statutes, approved April seventeen, eighteen hundred and fifty-seven, and all other acts, additional or amendatory thereto, the deed shall be void," convey as absolute and complete a title as if such condition or reservation was not contained in said deed. Lots or sections of land in township number four, range four, W. E. L. S., and lots of land in township number fourteen, range four, W. E. L. S., exceeding the quantity allowed to be sold to settlers, may be sold if, in the judgment of the forest commissioner such lots or sections are not valuable for lumber growth, but are found to be better adapted for settlement than for other purposes.

Sec. 11. Settler's lot to the value of \$1,000, exempt from attachment. R. S. c. 8, § 11. Whoever purchases a lot of wild land of the state for settlement, and complies with the condition of purchase, may hold it with the improvements thereon, free from attachment and levy on execution, while he remains in actual possession thereof. The value, so exempted, shall not exceed one thousand dollars, to be set off to the owner in such portions of the lot as he directs, by the appraisers appointed to levy an execution, as real estate is set off and appraised on execution.

Sec. 12. Descends to children free from debts of deceased, until youngest is 18 years old. R. S. c. 8, § 12. On the death of such purchaser, such lot and the improvements shall descend to his children, subject to the right and interest of his widow by descent, and are not liable for payment of his debts, unless his other property is insufficient therefor; and, in that case, his children shall have the occupancy and improvement thereof, subject to the right and interest of the widow by descent, until the youngest surviving child attains the age of eighteen years. The remainder, after the estate of the widow, and after the youngest surviving child attains said age, may be sold as other estates of deceased persons for payment of such debts, if the other estate of the deceased is not sufficient. If he dies without issue, such lot shall descend and be disposed of like other property.

Sec. 13. Trespasses, prosecutions for them; measure of damages. R. S. c. 8, § 13. If any person unlawfully enters and trespasses upon the public lands, or upon any lands reserved for public uses, while under care of the commissioner, and cuts, takes, or carries away, any trees or grass upon said lands, he and all persons who furnish teams, implements, apparatus, or supplies of provisions, or of other articles, used in committing and carrying on such trespasses, are trespassers, jointly and severally liable in damages for such trespasses, and they may be sued therefor in any county. The measure of damages is the highest

price which such timber, logs or other lumber, or hay, would bring at the usual place of sale thereof. Nothing in this section affects the right of the state to seize and sell any timber, logs, lumber, or hay, cut as aforesaid. At such sale no person who was in any way concerned in committing such trespass, or in supplying or aiding those who committed it, shall become a purchaser directly or indirectly.

45 Me. 69; 49 Me. 390; 78 Me. 264.

Sec. 14. Damages, if suit is for benefit of an individual. R. S. c. 8, § 14. When an action for such trespass is prosecuted in the name of the state for the benefit of an individual, the principles of decision and the measure of damages shall be the same as in like actions between individuals.

See c. 108, § 9.

Lands Reserved for Public Uses.

Sec. 15. Reservation for public uses; may be located by agreement. R. S. c. 8, § 15. In every township there shall be reserved, as the legislature may direct, one thousand acres of land, and at the same rate in all tracts less than a township, for the exclusive benefit of such town or tract, to average in quality, situation, and value as to timber with the other lands therein. In townships or tracts sold and not incorporated, the lands reserved for public uses may be selected and located by the forest commissioner and the proprietors, by a written agreement, describing the reserved lands by metes and bounds, signed by said parties, and recorded in the forest commissioner's office. The plan or outline of the lands so selected shall be entered on the plan of the township or tract in the forest commissioner's office, which shall be a sufficient location thereof.

See Articles of separation, condition 7. See c. 20, §§ 61-63; 26 Me. 205; *30 Me. 377; 97 Me. 336; *112 Me. 424.

Sec. 16. Location without agreement. R. S. c. 8, § 16. When the forest commissioner and proprietors of such township or tract cannot agree on such location, if the right to cut the timber and grass thereon until the town is incorporated or organized as a plantation has not been sold, the forest commissioner may petition the supreme judicial court for the appointment of commissioners to make the location as hereinafter provided. The petition may be filed, and the proceedings under it had in any county.

97 Me. 336.

Sec. 17. Forest commissioner to have care of lots located; may sell timber and grass on such lots and grant permits. R. S. c. 8, § 17. 1917, c. 189. The forest commissioner shall have the care of the reserved lands in all townships or tracts until they are incorporated and the fee becomes vested in the town. He may from time to time sell for cash for such sum as may be consented to by the assessors of any organized plantation or by the county commissioners in the county in which any unorganized plantation is situated, the timber and grass thereon or the right to cut the same, until incorporated into a town, except the grass growing on improvements made by an actual settler. When so sold he shall give the purchaser a permit under his hand and seal, setting forth the terms of the contract, which permit shall be recorded in the office; provided, however, that no timber shall be so sold until the same has been advertised for sale and a notice thereof published for three weeks successively in some newspaper published in the county where the land is situated, and if no such paper is published in such county then in the state paper. Except that this section shall not apply to cases where the reserved lands have not been located.

See c. 20, §§ 50-60. 30 Me. 381; 45 Me. 69; 49 Me. 390; *61 Me. 446; 78 Me. 264; 97 Me. 336.

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Sec. 18. Forest commissioner to keep an account with lots. R. S. c. 8, § 18. The forest commissioner shall keep an account with each such township and tract, in which shall be entered all expenditures made on account thereof, and all sums received therefrom. He shall settle his account of such receipts and expenditures annually with the state auditor and pay to the treasurer of state the balance in his hands, specifying each township and tract from which it was received.

*61 Me. 447; *97 Me. 336.

Sec. 19. Treasurer also to keep account. R. S. c. 8, § 19. The treasurer shall keep a separate account with the reserved land in each such township, in which account he shall enter all sums by him received and paid on account thereof; and the balance shall remain in the treasury until such township or tract is by law authorized to receive it; and thereupon it shall be paid to the proper officers thereof.

*61 Me. 447, 448; *97 Me. 336.

Sec. 20. Money to be held in two funds for school purposes. Disposition of unorganized townships fund. R. S. c. 8, § 20. 1917, c. 261, § 1. 1919, c. 15, § 1. The money arising from the sale of timber and grass or from trespasses on reserved lands, paid into the treasury of the county in which the township is situated or into the state treasury, shall be held by the state treasurer in two separate funds, the income of which only shall be expended and applied as is by law provided for school purposes. Upon the first fund to be known as the unorganized townships fund, the state shall allow interest annually at four per cent, the income from said fund shall be added to the school equalization fund; upon the second fund to be known as the organized townships fund, the state shall allow interest annually at six per cent, the income from said fund to be dealt with as provided in the following section.

*61 Me. 447, *448; 97 Me. 336.

Sec. 21. Disposition of organized townships fund. R. S. c. 8, § 21. 1917, c. 261, § 2. 1919, c. 15, § 2. The income of the organized townships fund as provided in the preceding section shall be added to the principal of the funds, respectively, until the inhabitants of such township or tract are incorporated into a town or organized as a plantation, and establish in such plantation one or more schools, and until the first day of January next preceding the date upon which the treasurer of said plantation shall call for such interest, unless previously expended according to law. When any such township is incorporated as a town, said funds belonging to it shall be paid by the treasurer of state to the treasurer of the trustees of the ministerial and school funds therein, to be added to the funds of that corporation, and held and managed as other school funds of that town are required to be held and managed. If such township or tract is organized as a plantation, the interest of said fund at six per cent shall be paid annually by the treasurer of state to the treasurer of such plantation to be applied toward the support of schools according to the number of scholars in each school. Said interest shall be cast up to the first day of each January, by the treasurer of state. The state commissioner of education shall file a list of such plantations with the amount due for interest for the preceding year according to a record of such amounts to be furnished to him by the treasurer of state, in the office of the state auditor, who shall thereupon insert the name and amount due such plantations in the first warrant drawn in that year. The state commissioner of education shall be satisfied that all such plantations are organized, and that schools have been established therein according to law, that assessors are sworn and qualified, and that the treasurers of such plantations have given bonds as required by law.

*61 Me. 447; 97 Me. 336.

Sec. 22. When school lands revert to state, forest commissioner to exercise control of lands and fund. R. S. c. 8, § 22. When the incorporation of a town is repealed, the care and custody of the school lands therein reverts to the forest commissioner and he has the same powers in relation thereto which he would have if such town had never been incorporated; and the school funds of such town shall be collected and transmitted to the treasurer of state and by him made a part of the permanent school fund belonging to such township or tract. The forest commissioner is charged with the duty of enforcing the provisions of this section, and is authorized to commence and maintain suits in the name of the state for this purpose.

Sec. 23. Locations of land where portions are reserved on grant, how made. R. S. c. 8, § 23. When in the grant of townships or parts thereof, certain portions of them are reserved for such townships, or for public uses, and they have not been lawfully located in severalty by the grantee for the purposes expressed in the grant, the supreme judicial court in the county where the land lies, on application of the forest commissioner, may appoint three disinterested persons, and issue to them a warrant, under the seal of the court, requiring them, as soon as may be, to locate in separate lots, the portions reserved for such purposes, and to designate the use for which each lot is so reserved and located, such lots to be of average quality with the residue of lands therein.

See c. 101, § 29; 17 Me. 426; 26 Me. 205; 29 Me. 42; 30 Me. 219; *33 Me. 304; 104 Me. 551; 112 Me. 423.

Sec. 24. Proceedings by committee; record. R. S. c. 8, § 24. Said committee, before acting, shall be sworn before a justice of the peace; and a certificate thereof shall be indorsed on the warrant. They shall also give notice of their appointment and of the time and place of their meeting to execute it, by publishing it in some newspaper in the state, to be designated by the court, and by posting written notifications in two or more public places in the same plantation or town, if so ordered by the court, at least thirty days next prior to their meeting. They shall make return of said warrant and their doings thereon, under their hands, to the next supreme judicial court in the county after having completed the service; which, being accepted by the court and recorded in the registry of deeds in the county or registry district where the land is situated within six months, shall be a legal assignment and location of such reserved portions for the uses designated.

8 Me. 135; 26 Me. 205.

Sec. 25. Location by grantee, how made. R. S. c. 8, § 25. When the grantee of any such land severs and locates such reserved portions thereof for the purposes mentioned in the grant, designating the use for which each lot is located, and presents it to said court, the court may confirm it, and such location shall then be legal and conclusive, being recorded as before mentioned.

Sec. 26. Location on partition. R. S. c. 8, § 26. Such severance and location may also be made and completed in the manner prescribed in section twenty-nine of chapter one hundred one.

Sec. 27. Exceptions may be filed. R. S. c. 8, § 27. Any person aggrieved by the opinion, direction, or judgment of said court in matter of law in a proceeding for the location of such public lots, may allege exceptions thereto as in other actions.

Note. Review of proceedings for location of lands reserved for public uses, c. 102, § 1. In cases of inquests of office, plan to be filed in land office, c. 106, § 8. Duties of forest commissioner as to timber and grass on reserved lands forfeited for taxes, c. 13, §§ 55-6.

Forest Commissioner and Preservation of Forests.

Sec. 28. Duties of forest commissioner in reference to preservation of forests; report; deputy forest commissioner; tenure. R. S. c. 8, § 28. The forest commissioner shall make a collection and classification of statistics relating to the forests and connected interests of the state, and institute an inquiry into the extent to which the forests of the state are being destroyed by fires and by wasteful cutting, and ascertain so far as he can as to the diminution of the wooded surface of the land upon the watersheds of the lakes, rivers, and water powers of the state and the effect of such diminution upon the water powers and on the natural conditions of the climate. The information so gathered by him, together with his suggestions relative thereto shall be included in the report to be made by him biennially to the governor on or before the first day of December. The chief clerk to the forest commissioner shall be deputy forest commissioner. He shall hold office during the pleasure of the forest commissioner and perform such duties as the latter may prescribe.

Sec. 29. Selectmen to be fire wardens; duties and authority; compensation; penalty for refusing to assist; damages in case of neglect of selectmen; application to cities. R. S. c. 8, § 29. 1921, c. 61. The selectmen of towns shall be forest fire wardens therein and may appoint one or more persons to act as deputy forest fire wardens. The services of such selectmen acting as said fire wardens shall be paid for at the same rate as is paid for their other official services, and the services of said deputy forest fire wardens shall be paid for at the rate hereinafter fixed for persons assisting in the extinguishment of forest fires. Whenever a fire is discovered, fire wardens or deputy wardens shall take such measures as may be necessary for its control and extinguishment. For this purpose they may call upon any persons in the town for assistance, and such persons shall receive such compensation, not exceeding thirty cents per hour, as said selectmen may determine, and they shall be provided with subsistence during said service, the same to be paid by the town; provided that no town shall be holden to pay for extinguishing forest fires in any year an amount greater than two per cent upon its valuation for purposes of taxation. If any person so ordered to assist and not excused from said service by said forest fire wardens or deputy wardens on account of sickness, disability, or some important business or engagement shall neglect to comply with any such order, he shall forfeit the sum of ten dollars, to be recovered in action of debt in the name and to the use of the town, by the treasurer thereof. If any person shall suffer damage from fire in consequence of the negligence or neglect of the selectmen of any town to perform the duties required by this section, such person shall have an action on the case to recover from the town where the fire occurs to the amount of his damages so sustained not to exceed two per cent of the valuation of said town. This section shall also apply to cities. The chief engineer of the fire departments of cities shall be forest fire wardens and shall have the same powers and duties in carrying out the provisions hereof as selectmen of towns.

*120 Me. 281.

Sec. 30. State fire wardens, and their duties. R. S. c. 8, § 34. Fish and game wardens are hereby made state fire wardens; they shall, while in and about the woods, caution all sportsmen of the danger from fires in the woods, and extinguish all fires left burning by any one, if within their power; and shall give notice to any and all parties interested, when possible, of fires raging and beyond their control, to the end that the same may be controlled and extinguished.

Sec. 31. Camp, cooking, and other fires to be totally extinguished; exceptions. R. S. c. 8, § 35. Whoever by himself, or by his servant, agent, or guide,

or as the servant, agent, or guide of any other person, shall build a camp, cooking, or other fire, or use an abandoned camp, cooking, or other fire in or adjacent to any woods in this state shall, before leaving such fire, totally extinguish the same, except that such fires built upon the sea beach in such situation that they cannot spread into forest land, woodland, or cultivated lands or meadows shall not be construed as prohibited by this section.

Sec. 32. Hunters required to use non-combustible wads. R. S. c. 8, § 37. All persons engaged in hunting game on any of the woodlands within any town or unincorporated place in this state shall use non-combustible wads in the loading of firearms used by them.

Sec. 33. Governor may suspend open season for hunting and fishing. R. S. c. 8, § 38. 1923, c. 33, § 1. Whenever, during an open season for the hunting of any kind of game or game birds in this state, or the taking of fish from the inland waters thereof, it shall appear to the governor that by reason of drought, hunting or fishing in the forests is liable to cause forest fires, he may by proclamation suspend the open season and make it a close season for such time as he may designate.

Sec. 34. All laws relating to close season to be in force during suspended season. R. S. c. 8, § 39. 1923, c. 33, § 2. During the time which shall by such proclamation be made a close season, all provisions of law covering and relating to the close season shall be in force, and a person violating a provision of the same shall be subject to the penalty therein prescribed. During the close season fixed by proclamation of the governor, as provided in the preceding section, no person shall enter upon the wild lands carrying or having in his possession any firearms; nor shall he catch any fish or shoot any wild animal or bird for which there is no close season otherwise provided by law.

Sec. 35. Proclamation to be published and posted; copy filed with secretary of state. R. S. c. 8, § 40. Such proclamation shall be published in such newspapers of the state and posted in such places and in such manner as the governor may order in writing. A copy of such proclamation and order shall be filed with the secretary of state. A like attested copy shall be furnished to the forest commissioner, who shall attend to the posting and publication of the proclamation. All expense thereof and all the expense of enforcing the provisions of the proclamation shall be paid by said commissioner, after allowance by the state auditor, from any funds in the state treasury not otherwise appropriated.

Sec. 36. When proclamation may be annulled. R. S. c. 8, § 41. If after the issuing of the proclamation as provided in section thirty-three, by reason of rains or otherwise, the governor is satisfied that the occasion has passed for the issuance of the proclamation, he may annul it by another proclamation issued as provided for the issuance of the first proclamation.

Sec. 37. Inquiry to be made into origin of woodland fires. R. S. c. 8, § 42. Municipal officers in towns shall proceed immediately to a strict inquiry into the cause and origin of fires within woodlands; and in all cases where such fires are found to have originated from the unlawful act of any person, to cause the offender to be prosecuted without delay.

Sec. 38. Selectmen to make report of any forest fire. R. S. c. 8, § 43. The selectmen of towns in which a forest fire of more than one acre in extent has occurred, within a month shall report to the forest commissioner the extent of area burned over to the best of their information, together with the probable amount of property destroyed, specifying the value of timber, as near as may be, and the amount of cord wood, logs, bark or other forest product, fencing, bridges, and buildings that have been burned. They shall also report the causes

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of these fires, if they can be ascertained, and the measures employed and found effective in checking their progress. Blanks for such reports shall be furnished by the forest commissioner at the expense of the state.

Sec. 39. Forest commissioner to maintain fire patrol, along railroads. R. S. c. 8, § 44. Whenever in the judgment of the forest commissioner the woodlands along the railroads traversing the forest lands of the state are in a dry and dangerous condition, he shall maintain a competent and efficient fire patrol along the right of way or lands of such railroads.

Sec. 40. Fires to be reported to forest commissioner. R. S. c. 8, § 45. All fires started upon the right of way of any railroad or lands adjacent thereto shall be immediately reported to the commissioner upon blanks to be furnished by him, by the patrolman within whose limits the fire originated, setting forth the origin of such fire, the quantity and quality of the land burned over, and, if the fire was started by a locomotive, he shall give the number thereof.

Sec. 41. Expense of fire patrol to be paid by railroad company. R. S. c. 8, § 46. The forest commissioner shall keep, or cause to be kept, an account of the cost of maintaining such fire patrol along the line of such railroad, including therein the wages and expenses of the employees engaged in maintaining such fire patrol, and the total cost thereof shall be paid to the forest commissioner by the railroad company along whose land or right of way such patrol is maintained, such payment to be made monthly or on the presentation of the bills therefor. All such funds received by said commissioner shall be credited to the fund for the protection of the forests against fire from which it was drawn.

Sec. 42. Railroad company not released from damages. R. S. c. 8, § 47. Nothing in the three preceding sections shall be construed as releasing any railroad company from any damage caused by fires set by their locomotives or employees.

Sec. 43. Railroad companies to remove all inflammable material from right of way. R. S. c. 8, § 48. Every railroad company whose road passes through waste or forest lands shall during each year cut and burn off or remove from its right of way all grass, brush, or other inflammable material, but under proper care and at times when fires are not liable to spread beyond control; but no railroad employee shall build a fire to burn rubbish along the right of way through forest lands when forbidden to do so by the forest commissioner, or his wardens.

Sec. 44. Locomotives to be provided with spark arresters. R. S. c. 8, § 49. All locomotives which shall be run through forest lands shall be provided with approved and efficient arrangements for preventing the escape of fire and sparks. The forest commissioner may petition the public utilities commission, setting forth that there is danger of fire to lands within the Maine forestry district from the operation of locomotives on any railroad; and said commission may, after notice and hearing thereon, make such orders and regulations relating to the equipment and operation of locomotives, during times of drought or danger of forest fires, as they deem necessary for the prevention of fires on said lands.

Sec. 45. Railroad companies liable for damages caused by employees; smoking car windows to be screened. R. S. c. 8, § 50. No railroad company shall permit its employees to deposit fire, live coals or ashes upon its track in the immediate vicinity of woodlands or lands liable to be overrun by fires, and any railroad company operating a railroad running through the Maine forestry district shall between the first day of May and the tenth day of November following in each year, fasten down or secure screens or other obstructions in the windows of all cars or apartments of cars in which smoking is allowed, to prevent the throwing of burning matches, burning cigars, burning cigarettes or

parts thereof from the windows of such cars. When engineers, conductors, or trainmen discover that fences along the right of way or woodlands adjacent to the railroads are burning or in danger from fire, they shall report the same at their next stopping place which shall be a telegraph station.

Sec. 46. Railroads under construction, liable for all damages to forest growth caused by employees; employees to extinguish fires set along line; persons in charge of men, required to see that the provisions of this section are complied with. R. S. c. 8, § 51. For all damages caused to forest growth by any person employed in the construction of any railroad built in this state after the third day of May, eighteen hundred and ninety-one, the company owning such road shall be primarily liable to the person or persons so damaged. During the construction of such roads through woodland, there shall be kept posted in conspicuous places on each line of the roadways at distances of two hundred feet abstracts of the laws relating to forest fires. Any person employed in the construction of such railroads, who shall set or cause to be set any fire along the line of said roads, shall, before leaving the same, totally extinguish said fires. All persons having charge of men in the construction of such railroads shall see that the provisions of this section are carefully complied with.

Sec. 47. Inflammable material along railroads and ways to be removed; penalty. R. S. c. 8, § 53. 1919, c. 111. 1921, c. 174. Any person, firm, corporation, or agent, cutting any forest growth on property adjacent to the right of way of any railroad or highway within the state, shall leave the growth uncut on the land within fifty feet of the limit of the right of way of a railroad or center of the wrought portion of any plantation, town, city, county, or state road; (or shall dispose of slash and debris caused by cutting in such a manner that inflammable material shall not remain on the ground within fifty feet of the limit of the right of way of a railroad or center of the wrought portion of any plantation, town, city, county, or state road). Any person, firm, corporation, or agent cutting any forest growth on property adjacent to woodlands owned by another within the state outside the limits of the Maine forestry district and all such firms, persons, and corporations, who by themselves, their agents, servants, licensees, permittees, or lessees operate, or permit operation of portable sawmills on land which borders on woodland shall dispose of slash and debris caused by cutting in such a manner that inflammable material shall not remain on the ground within fifty feet of the line of cutting on the side or sides towards such woodland. Provided, however, that consent and direction in writing from the forestry department shall be required for the burning of such brush or slash or for the burning of blueberry land when such land is adjacent to any forest growth except when the ground is covered with snow. The forest commissioner shall cause to be furnished to all the chief forest fire wardens and to the municipal officers of all towns and organized plantations of the state, blank permits, signed by him, for the burning of brush or slash or for the burning of blueberry land. Any chief forest fire warden or the municipal officers of the town, in the county where the land is located, shall have full authority to countersign and grant such permits signed by the forest commissioner. The forest commissioner, may, however, in any particular case called to his attention, overrule the decision of the chief forest fire warden or the municipal officers, and himself grant the permit asked for or forbid the granting of the same. Whoever violates any of the provisions of this section shall on conviction thereof be punished by a fine of fifty dollars.

Sec. 48. Slash and debris, how to be disposed of; penalty. R. S. c. 8, § 54. 1919, c. 111, § 2. Slash and debris accumulating by the construction and maintenance of railroads, highways, power company, telegraph, or telephone lines

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shall be disposed of in such a manner that inflammable material shall not be left on the ground. Whenever slash and debris or inflammable material are found on the ground having accumulated as the result of the construction and maintenance of railroads, highways, power company, telegraph, or telephone lines, contrary to the terms of this section the person responsible therefor, or his employer, whether individual, firm, or corporation, shall be punished by a fine of fifty dollars.

Sec. 49. Forest commissioner may dispose of slash and debris, and recover. R. S. c. 8, § 55. 1919, c. 111, § 3. When any person, firm, corporation, or agent, shall have failed to dispose of slash and debris as provided by the two preceding sections, the forest commissioner shall notify the owner of the land of the requirement of this statute, and if such owner, within a reasonable time, shall fail to destroy or remove such slash or debris, such commissioner shall cause such slash and debris to be so disposed of. He shall pay the expense of so disposing of such slash and debris from any funds at his disposal, legally applicable to such purpose; and he or his successor in office shall be entitled to recover the amount of such expenditures in an action of debt, to be prosecuted by the attorney general in the supreme judicial court in the county where the land lies, against the person, firm, corporation, or agent, whose duty it was to dispose of such slash or debris; and there shall be a lien on the land on which the cutting of forest growth took place, to secure any judgment recovered in such action, to be enforced by attachment in said action, made within six months after such expenditures were made. The sum recovered and collected in such action shall be returned to and become a part of the fund from which the expenditures were made. This remedy shall be additional to the penalty provided in said sections.

Sec. 50. Slash or debris caused by cutting of wood or timber not to be burned without permit; penalty. 1919, c. 168. Any person, firm, corporation, or agent who cuts any wood or lumber within the woodlands of this state and desires to dispose of the slash and debris caused by such cutting or clearing by burning shall be first required to obtain a permit therefor in accordance with the provisions of section forty-seven, and on failure thereof shall be subject to the penalty provided in said section.

Sec. 51. Portable sawmills to be licensed by forest commissioner. Disposition of license fees. 1921, c. 164, §§ 1, 3. It shall be unlawful to erect a portable sawmill without first obtaining a license therefor from the forest commissioner. Application shall be made upon blanks prepared by the forest commissioner for this purpose. A proper record of all applications for licenses and all licenses issued shall be kept by the forest commissioner at his office and shall be open to inspection of any person during reasonable business hours, and when said mill is located in towns duplicate licenses sent municipal officers. The fee for such license shall be twenty-five dollars, which shall be deposited at the time of making the application, and all licenses shall expire one year from the date of their issue. The forest commissioner or forest fire wardens in organized towns may at any time suspend or revoke any license for the violation of the slash laws; and he or they may suspend such license in times of drought as to any portable sawmill, the operation of which would create an extra fire hazard. Upon application filed and recorded as aforesaid the forest commissioner shall grant a permit to change the location of any portable sawmill. All money accruing from the issuance of licenses as provided for in this act shall be added to and become a part of the fund for the purchase of lands and general forestry purposes.

Sec. 52. Elementary instruction in forestry in public schools. R. S. c. 8, § 56. The forest commissioner shall take such measures as the state superintendent of public schools and the president of the University of Maine may approve, for awakening an interest in behalf of forestry in the public schools, academies, and colleges of the state and of imparting some degree of elementary instruction upon this subject therein.

Sec. 53. Commissioner to issue circulars of advice for care of woodlands; may maintain forest nurseries and furnish seedlings. R. S. c. 8, § 57. 1921, c. 59. He shall prepare tracts or circulars of information, giving plain and concise advice for the care of woodlands and for the preservation of forest growth. These publications shall be furnished to any citizen of the state upon application. He may also establish within the state one or more forest nurseries, the maintenance of which shall be paid from the appropriation for that purpose, the object of which is declared to be; to furnish forest tree seedlings and transplants at cost of production for use in planting the waste and cut over lands of the state.

Sec. 54. Copies of §§ 28-61 to be printed and distributed to forest fire wardens and posted. R. S. c. 8, § 58. 1919, c. 5. 1923, c. 23. The forest commissioner, at the expense of the state, may cause copies of sections twenty-eight to sixty-one, both inclusive, of this chapter, or of such sections or parts of sections thereof as he may deem desirable, and all other laws of the state relating to forest fires, to be printed and freely distributed to the forest fire wardens of all the towns of the state, who shall post them up in school-houses, saw mills, logging camps and other places; and similar copies shall be furnished to owners of forest lands, who may apply for them, to be posted up at the expense of such owners.

Sec. 55. Penalty for violation of § 31. R. S. c. 8, § 35. Whoever violates the provisions of section thirty-one of this chapter shall be punished by a fine of fifty dollars. One-half of any fine imposed and collected under this section shall be paid to the complainant.

Sec. 56. Penalty for violation of § 34. R. S. c. 8, § 39. Whoever violates the provisions of section thirty-four of this chapter shall be punished by a fine of one hundred dollars and costs.

Sec. 57. Penalty for violation of § 46. R. S. c. 8, § 51. Whoever violates the provisions of section forty-six of this chapter, relating to fires in the construction of railroads, by failing to extinguish fires as therein provided, or being in charge of such men in the construction of railroads, by failing to exercise due care in seeing that the provisions of said section are carefully complied with, shall be punished by a fine of not exceeding five hundred dollars or by imprisonment in the county jail not exceeding sixty days, or by both such fine and imprisonment.

Sec. 58. Penalty for violation of §§ 43-45. R. S. c. 8, § 52. Any railroad company violating the requirements of sections forty-three, forty-four, and forty-five shall be liable to a fine of one hundred dollars for each offence.

Sec. 59. Penalty for violation of § 51. 1921, c. 164, § 2. Whoever erects a portable sawmill without first obtaining a license from the forest commissioner as provided in section fifty-one of this chapter shall be punished by a fine of not exceeding five hundred dollars to be recovered by indictment. Any portable sawmill so erected without a license shall be deemed a public nuisance without other proof than its use.

Sec. 60. Penalty for removing notices posted as provided in § 54. R. S. c. 8, § 58. 1919, c. 5. 1923, c. 23. Whoever tears down, destroys, or defaces any

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notice relative to protection against forest fires posted over the name and title of the forest commissioner, or the name of any association organized for the protection of the forests of the state from fire, shall on conviction thereof be punished by a fine of not less than twenty-five nor more than fifty dollars.

Sec. 61. Penalties not substitutes for existing liabilities. R. S. c. 8, § 59. None of the penalties imposed by the six preceding sections shall be considered as substitutes for or as repealing the provisions of existing laws, making persons guilty of acts of trespass or liable for civil damages to persons injured by such acts.

White Pine Blister Rust.

Sec. 62. White pine blister rust dangerous pest. 1917, c. 178, § 1. The fungous disease commonly known as the white pine blister rust is hereby declared to be a dangerous pest in all its stages; and it is the duty of the officials hereinafter named, to prosecute the measures hereinafter specified for the control of this pest.

Sec. 63. Forest commissioner to promulgate information and to designate areas where control is necessary. 1917, c. 178, § 2. The forest commissioner is hereby authorized and empowered to promulgate by letter, publication, poster, or other means information concerning the white pine blister rust and to designate, by the aforesaid means of promulgation, areas within the state in which control measures are necessary or advisable. It shall be the duty of every land owner within such designated area, to carry out such control measures as are ordered by the forest commissioner, including the removal and destruction of any or all plants of the genus *ribes*, commonly known as currants and gooseberries, and any white pine tree or trees, which are found to be infected with the disease. If the owner fails to destroy the above named plants or trees within the time specified by the forest commissioner, the forest commissioner shall cause said plants or trees to be destroyed and shall charge the actual expense of same to the city, town, or plantation within which said plants or trees are found. Such amount shall be collected as a state tax and credited to the appropriation for said purpose. The city, town, or plantation wherein such plants or trees are found may assess the cost of the removal of said plants or trees to the owner of the real estate wherein the said plants or trees are found. The amount so assessed shall be collected in the form of a tax.

Sec. 64. Commissioner or agents authorized to enter upon lands, private or public; co-operation. 1917, c. 178, § 3. The forest commissioner or his authorized agents shall have the right to enter upon any private or public lands to determine the presence or absence of the white pine blister rust in any of its stages, and to carry out the necessary eradication measures. The above mentioned commissioner may cooperate with departments of the federal government, the state department of agriculture, and the agricultural experiment station for the control or eradication of said disease in the state and for the carrying out of such investigations as are deemed advisable by the commissioner.

Sec. 65. Diseased trees and shrubs to be destroyed; owners to be reimbursed when same are proved not to have been infected. 1917, c. 178, § 4. Any white pine trees or currant or gooseberry bushes which are found to be infected with *cronartium ribicola* are hereby declared to be a public menace, and any such diseased trees or plants and any and all wild plants of the genus *ribes* may be destroyed by order of the commissioner or his authorized agents. If within any designated area, as specified in section sixty-three, currant or gooseberry bushes or white pine trees which are not infected with *cronartium ribicola* are

designated by the commissioner or his agents for destruction, and destroyed by their specific order, the owner may be compensated therefor; the damages to be assessed by the commissioner or his agents at not to exceed the actual value of the material destroyed, and paid to said owner by the state treasurer upon authorization of the commissioner. In lieu of money damages for any trees or bushes destroyed under sections sixty-two to sixty-seven the commissioner may offer and the owner may accept forest planting stock to be furnished from the state forest nursery, and to be paid for at cost by the commissioner.

Sec. 66. State nursery inspector under orders of commissioner may enter upon lands; authority. 1917, c. 178, § 5. The state nursery inspector, under direction of the commissioner of agriculture, is hereby authorized and empowered to enter upon any land contiguous to or within the vicinity of any nursery within the state, for the purpose of determining the presence or absence of *cronartium ribicola* in any of its stages or other threatening fungous disease or insect pest, and within such area he shall have the same power and duties for control and eradication of the white pine blister rust or its hosts as is vested in the forest commissioner or his agents, and shall have the power to enforce and carry out necessary measures for the control or eradication of other threatening fungous diseases or insect pests.

Sec. 67. Shipment may be prohibited; penalty for violation. 1917, c. 178, § 6. The forest commissioner is hereby authorized and empowered to prohibit and prevent or to regulate the entry into the State of Maine or movement within the state from any part thereof to any other part, of any living five-leaved pine trees or any plants of the genus *ribes*, or other nursery stock or plants, which in his judgment may cause the introduction or spread of a dangerous plant disease or insect pest. The said official is hereby authorized to issue such orders, notifications, and permits as may be necessary to carry out the provisions of this section, and any person violating any of the provisions of sections sixty-six and sixty-seven shall be subject to a fine of not more than twenty dollars for each and every offense. The expenses necessary for carrying out section sixty-six shall be paid from the appropriation for nursery inspection or other funds of the department of agriculture.

Maine Forestry District.

Sec. 68. Maine Forestry District. R. S. c. 8, § 60. The administrative district known as the Maine Forestry District, heretofore established and incorporated, shall include the following territory:

Aroostook county. R. S. c. 8, § 60. Township A, R. 2, W. E. L. S.; Hammond plantation; C, R. 2, W. E. L. S.; D, R. 2, W. E. L. S.; E plantation; 3, R. 2, W. E. L. S.; Cox Patent; Glenwood plantation; 3, R. 3, W. E. L. S.; 4, R. 3, W. E. L. S.; 7, R. 3, W. E. L. S.; 8, R. 3, W. E. L. S.; 9, R. 3, W. E. L. S.; 10, R. 3, W. E. L. S.; 17, R. 3, W. E. L. S.; 1, R. 4, W. E. L. S.; 2, R. 4, W. E. L. S.; 3, R. 4, W. E. L. S.; 7, R. 4, W. E. L. S.; 8, R. 4, W. E. L. S.; 9, R. 4, W. E. L. S.; 10, R. 4, W. E. L. S.; 11, R. 4, W. E. L. S.; Westmanland plantation; 16, R. 4, W. E. L. S.; 17, R. 4, W. E. L. S.; A, R. 5, W. E. L. S.; 1, R. 5, W. E. L. S.; 7, R. 5, W. E. L. S.; 8, R. 5, W. E. L. S.; 9, R. 5, W. E. L. S.; 13, R. 5, W. E. L. S.; 14, R. 5, W. E. L. S.; 15, R. 5, W. E. L. S.; 16, R. 5, W. E. L. S.; 17, R. 5, W. E. L. S.; Oxbow plantation; 10, R. 6, W. E. L. S.; Garfield plantation; Nashville plantation; 14, R. 6, W. E. L. S.; 15, R. 6, W. E. L. S.; 16, R. 6, W. E. L. S.; 9, R. 7, W. E. L. S.; 10, R. 7, W. E. L. S.; 11, R. 7, W. E. L. S.; 12, R. 7, W. E. L. S.; 13, R. 7, W. E. L. S.; 14, R. 7, W. E. L. S.;

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Winterville plantation; 9, R. 8, W. E. L. S.; 10, R. 8, W. E. L. S.; 11, R. 8, W. E. L. S.; 12, R. 8, W. E. L. S.; 13, R. 8, W. E. L. S.; 14, R. 8, W. E. L. S.; 15, R. 8, W. E. L. S.; 16, R. 8, W. E. L. S.; 11, R. 9, W. E. L. S.; 12, R. 9, W. E. L. S.; 13, R. 9, W. E. L. S.; 14, R. 9, W. E. L. S.; 15, R. 9, W. E. L. S.; 16, R. 9, W. E. L. S.; 11, R. 10, W. E. L. S.; 12, R. 10, W. E. L. S.; 13, R. 10, W. E. L. S.; 14, R. 10, W. E. L. S.; 15, R. 10, W. E. L. S.; Allagash plantation; 18, R. 10, W. E. L. S.; 11, R. 11, W. E. L. S.; 12, R. 11, W. E. L. S.; 13, R. 11, W. E. L. S.; 14, R. 11, W. E. L. S.; 15, R. 11, W. E. L. S.; 18, R. 11, W. E. L. S.; 19, R. 11, W. E. L. S.; 11, R. 12, W. E. L. S.; 12, R. 12, W. E. L. S.; 13, R. 12, W. E. L. S.; 14, R. 12, W. E. L. S.; 15, R. 12, W. E. L. S.; 16, R. 12, W. E. L. S.; 17, R. 12, W. E. L. S.; 18, R. 12, W. E. L. S.; 19, R. 12, W. E. L. S.; 20, R. 11 and 12, W. E. L. S.; 11, R. 13, W. E. L. S.; 12, R. 13, W. E. L. S.; 13, R. 13, W. E. L. S.; 14, R. 13, W. E. L. S.; 15, R. 13, W. E. L. S.; 16, R. 13, W. E. L. S.; 17, R. 13, W. E. L. S.; 18, R. 13, W. E. L. S.; 11, R. 14, W. E. L. S.; 12, R. 14, W. E. L. S.; 13, R. 14, W. E. L. S.; 14, R. 14, W. E. L. S.; 15, R. 14, W. E. L. S.; 16, R. 14, W. E. L. S.; 17, R. 14, W. E. L. S.; 11, R. 15, W. E. L. S.; 12, R. 15, W. E. L. S.; 13, R. 15, W. E. L. S.; 14, R. 15, W. E. L. S.; 15, R. 15, W. E. L. S.; 11, R. 16, W. E. L. S.; 12, R. 16, W. E. L. S.; 13, R. 16, W. E. L. S.; 14, R. 16, W. E. L. S.; 11, R. 17, W. E. L. S.; 12, R. 17, W. E. L. S.; in Aroostook county.

Franklin county. R. S. c. 8, § 60. Township Number 4, Washington plantation; Sandy River plantation; Rangeley plantation; 4, R. 1, B. K. P., W. K. R.; 4, R. 2, B. K. P., W. K. R.; 4, R. 3, B. K. P., W. K. R.; D, R. 1; 1, R. 2, W. B. K. P.; Dallas plantation; Coplin plantation; Lang plantation; 3, R. 3, W. B. K. P.; 3, R. 2, B. K. P., W. K. R.; 2, R. 4, W. B. K. P.; 3, R. 4, W. B. K. P.; 1, R. 5, W. B. K. P.; 2, R. 5, W. B. K. P.; 3, R. 5, W. B. K. P.; 1, R. 6, W. B. K. P.; 2, R. 6, W. B. K. P.; 3, R. 6, W. B. K. P.; 1, R. 7, W. B. K. P.; 2, R. 7, W. B. K. P.; 1, R. 8, W. B. K. P.; 2, R. 8, W. B. K. P.; Gore north of T. number 2 and 3, R. 6, W. B. K. P.; number 6 north of Weld; Gore north of T. 1, R. 8, W. B. K. P.; township E; Perkins; in Franklin county.

Hancock county. R. S. c. 8, § 60. 1917, c. 138, § 1. Township No. 3, North Division; No. 4, North Division; Two Mile Strip North of No. 3, North Division; Strip North of No. 4, North Division; No. 7, South Division; No. 8 Plantation; No. 9, South Division; No. 10, South Division; No. 16, Middle Division; No. 21 Plantation; No. 22, Middle Division; No. 28, Middle Division; No. 32, Middle Division; No. 33 Plantation; No. 34, Middle Division; number 35, Middle Division; number 39, Middle Division; number 40, Middle Division; number 41, Middle Division; Butter Island; Eagle Island; Spruce Head Island; Bear Island; Beach Island; Hog Island; Bradbury's Island; Pond Island; Western Island; Little Spruce Island; Marshall's Island; Pickering's Island; Resolution Island; in Hancock county.

Oxford county. R. S. c. 8, § 60. 1917, c. 138, § 2. 1919, c. 70. T. A. Number 1; Andover North Surplus; Andover West Surplus; T. C.; C. Surplus; 4, R. 1, W. B. K. P.; Magalloway plantation; 4, R. 2, W. B. K. P.; Lincoln plantation; 4, R. 3, W. B. K. P.; 5, R. 3, W. B. K. P.; 4, R. 4, W. B. K. P.; 5, R. 4, W. B. K. P.; 4, R. 5, W. B. K. P.; 4, R. 6, W. B. K. P.; 5, R. 5, W. B. K. P.; the township of Grafton, in Oxford county.

Penobscot county. R. S. c. 8, § 60. Township 3, R. 1, N. B. P. P.; Lakeville plantation; 5, R. 1, N. B. P. P.; Webster plantation; Drew plantation; 1, R. 7, N. W. P.; 2, R. 8, N. W. P.; Seboeis plantation; 2, R. 9, N. W. P.; 3, R. 9, N. W. P.; 1, R. 6, W. E. L. S.; 2, R. 6, W. E. L. S.; Stacyville plantation; 6, R. 6, W. E. L. S.; 7, R. 6, W. E. L. S.; 8, R. 6, W. E. L. S.; A. R. 7, W. E. L. S.; 1,

R. 7, W. E. L. S.; 2, R. 7, W. E. L. S.; 3, R. 7, W. E. L. S.; 4, R. 7, W. E. L. S.; 5, R. 7, W. E. L. S.; 6, R. 7, W. E. L. S.; 7, R. 7, W. E. L. S.; 8, R. 7, W. E. L. S.; Hopkins Academy grant; 8, R. 8, W. E. L. S.; A. R. 8 and 9, W. E. L. S.; Veazie Gore; number 3, Indian purchase; number 4, Indian purchase; 1, R. 8, W. E. L. S.; 2, R. 8, W. E. L. S.; 3, R. 8, W. E. L. S.; 4, R. 8, W. E. L. S.; 5, R. 8, W. E. L. S.; 6, R. 8, W. E. L. S.; 7, R. 8, W. E. L. S.; number 1, North Division; Grand Falls plantation; in Penobscot county.

Piscataquis county. R. S. c. 8, § 60. Lakeview plantation; Barnard plantation; 4, R. 9, N. W. P.; 5, R. 9, N. W. P.; 6, R. 9, N. W. P.; 7, R. 9, N. W. P.; Elliottsville plantation; 3, R. 5, B. K. P., E. K. R.; 2, R. 6, B. K. P., E. K. R.; 1, R. 9, W. E. L. S.; 2, R. 9, W. E. L. S.; 3, R. 9, W. E. L. S.; 4, R. 9, W. E. L. S.; 5, R. 9, W. E. L. S.; 6, R. 9, W. E. L. S.; 7, R. 9, W. E. L. S.; 8, R. 9, W. E. L. S.; 9, R. 9, W. E. L. S.; 10, R. 9, W. E. L. S.; A. R. 10, W. E. L. S.; B. R. 10, W. E. L. S.; 1, R. 10, W. E. L. S.; 2, R. 10, W. E. L. S.; 3, R. 10, W. E. L. S.; 4, R. 10, W. E. L. S.; 5, R. 10, W. E. L. S.; 6, R. 10, W. E. L. S.; 7, R. 10, W. E. L. S.; 8, R. 10, W. E. L. S.; 9, R. 10, W. E. L. S.; 10, R. 10, W. E. L. S.; A. R. 11, W. E. L. S.; B. R. 11, W. E. L. S.; 1, R. 11, W. E. L. S.; 2, R. 11, W. E. L. S.; 3, R. 11, W. E. L. S.; 4, R. 11, W. E. L. S.; 5, R. 11, W. E. L. S.; 6, R. 11, W. E. L. S.; 7, R. 11, W. E. L. S.; 8, R. 11, W. E. L. S.; 9, R. 11, W. E. L. S.; 10, R. 11, W. E. L. S.; 7, R. 10, N. W. P.; 8, R. 10, N. W. P.; A. R. 12, W. E. L. S.; 1, R. 12, W. E. L. S.; 2, R. 12, W. E. L. S.; 3, R. 12, W. E. L. S.; 4, R. 12, W. E. L. S.; 5, R. 12, W. E. L. S.; 6, R. 12, W. E. L. S.; 7, R. 12, W. E. L. S.; 8, R. 12, W. E. L. S.; 9, R. 12, W. E. L. S.; 10, R. 12, W. E. L. S.; A. R. 13, W. E. L. S.; A. 2, R. 13 and 14, W. E. L. S.; 1, R. 13, W. E. L. S.; 2, R. 13, W. E. L. S.; 3, R. 13, W. E. L. S.; 4, R. 13, W. E. L. S.; 5, R. 13, W. E. L. S.; 6, R. 13, W. E. L. S.; 7, R. 13, W. E. L. S.; 8, R. 13, W. E. L. S.; 9, R. 13, W. E. L. S.; 10, R. 13, W. E. L. S.; A. R. 14, W. E. L. S.; X, R. 14, W. E. L. S.; 3, R. 14, and 15, W. E. L. S.; 1, R. 14, W. E. L. S.; 4, R. 14, W. E. L. S.; 5, R. 14, W. E. L. S.; 6, R. 14, W. E. L. S.; 7, R. 14, W. E. L. S.; 8, R. 14, W. E. L. S.; 9, R. 14, W. E. L. S.; 10, R. 14, W. E. L. S.; Sugar Island; Deer Island; Middlesex canal; Day's academy; 4, R. 15, W. E. L. S.; 5, R. 15, W. E. L. S.; 6, R. 15, W. E. L. S.; 7, R. 15, W. E. L. S.; 8, R. 15, W. E. L. S.; 9, R. 15, W. E. L. S.; 10, R. 15, W. E. L. S.; Moose Island; Farm Island; Dollar Island; Ledge Island; Birch Island; both Moody Islands; Cove Point; Harford's Point; Kingsbury plantation; in Piscataquis County.

Somerset county. R. S. c. 8, § 60. 1917, c. 138, § 4. 1927, c. 11. Lexington plantation; Pleasant Ridge plantation; Highland plantation; 1, R. 3, B. K. P., W. K. R.; 2, R. 3, B. K. P., W. K. R.; Dead River plantation; Bigelow plantation; 1, R. 4, B. K. P., W. K. R.; 2, R. 4, B. K. P., W. K. R.; 3, R. 4, B. K. P., W. K. R.; Flagstaff plantation; West Forks plantation; 2, R. 5, B. K. P., W. K. R.; 3, R. 5, B. K. P., W. K. R.; 4, R. 5, B. K. P., W. K. R.; 1, R. 6, B. K. P., W. K. R.; 2, R. 6, B. K. P., W. K. R.; 3, R. 6, B. K. P., W. K. R.; 4, R. 6, B. K. P., W. K. R.; 5, R. 6, B. K. P., W. K. R.; 1, R. 7, B. K. P., W. K. R.; 2, R. 7, B. K. P., W. K. R.; 3, R. 7, B. K. P., W. K. R.; 4, R. 7, B. K. P., W. K. R.; 5, R. 7, B. K. P., W. K. R.; 6, R. 7, B. K. P., W. K. R.; Gore North of numbers 1, 2, 3, R. 7, B. K. P., W. K. R.; Mayfield plantation; 2, R. 3, B. K. P., E. K. R.; The Forks plantation; 2, R. 4, B. K. P., E. K. R.; 1, R. 5, B. K. P., E. K. R.; 2, R. 5, B. K. P., E. K. R.; 1, R. 6, B. K. P., E. K. R.; 1, R. 1, N. B. K. P.; 2, R. 1, N. B. K. P.; 3, R. 1, N. B. K. P.; 5, R. 1, N. B. K. P.; 6, R. 1, N. B. K. P.; 1, R. 2, N. B. K. P.; 2, R. 2, N. B. K. P.; 3, R. 2, N. B. K. P.; Moose River plantation; Dennistown plantation; 6, R. 2, N. B. K. P.; Big W, N. B. K. P.; Little W, N. B. K. P.; 1, R. 3, N. B. K. P.; 2, R. 3, N. B. K. P.; 3, R. 3, N.

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B. K. P.; 4, R. 3, N. B. K. P.; 5, R. 3, N. B. K. P.; Seboomook; 1, R. 4, N. B. K. P.; 2, R. 4, N. B. K. P.; 3, R. 4, N. B. K. P.; 4, R. 4, N. B. K. P.; 5, R. 4, N. B. K. P.; 3, R. 5, N. B. K. P.; 4, R. 5, N. B. K. P.; 4, R. 16, W. E. L. S.; 5, R. 16, W. E. L. S.; 6, R. 16, W. E. L. S.; 7, R. 16, W. E. L. S.; 8, R. 16, W. E. L. S.; 9, R. 16, W. E. L. S.; 10, R. 16, W. E. L. S.; 4, R. 17, W. E. L. S.; 5, R. 17, W. E. L. S.; 6, R. 17, W. E. L. S.; 7, R. 17, W. E. L. S.; 8, R. 17, W. E. L. S.; 9, R. 17, W. E. L. S.; 10, R. 17, W. E. L. S.; 4, R. 18, W. E. L. S.; 5, R. 18, W. E. L. S.; 6, R. 18, W. E. L. S.; 7, R. 18, W. E. L. S.; 8, R. 18, W. E. L. S.; 9, R. 18, W. E. L. S.; 5, R. 19, W. E. L. S.; 6, R. 19, W. E. L. S.; 7, R. 19, W. E. L. S.; 8, R. 19, W. E. L. S.; 5, R. 20, W. E. L. S.; Sand Bar Tract; in Somerset County.

Washington county. R. S. c. 8, § 60. Township number 18, east division; number 19, east division; number 26, east division; number 27, east division; number 18, middle division; number 19, middle division; number 24, middle division; number 25, middle division; number 29, middle division; number 30, middle division; number 31, middle division; number 36, middle division; number 37, middle division; number 42, middle division; number 43, middle division; number 5, north division; strip north of number 5, north division; number 6, north division; strip north of number 6, north division; number 1, R. 1, Titcomb's survey; Grand Lake Stream plantation; 1, R. 2, Titcomb's survey; 1, R. 3, Titcomb's survey; 6, R. 1, N. B. P. P.; 7, R. 2, N. B. P. P.; 8, R. 3, N. B. P. P.; 10, R. 3, N. B. P. P.; 11, R. 3, N. B. P. P.; 8, R. 4, N. B. P. P.; Indian township; Codyville plantation; number 14 plantation; number 21 plantation; in Washington county.

Sec. 69. Annual tax assessed; when payable; description of property. R. S. c. 8, § 61. 1919, c. 104. 1921, c. 4. An annual tax of two and one-quarter mills on the dollar is hereby assessed upon all the property in said district, including rights in public lots, to be used for the protection thereof. Said tax shall be due and payable at the date of the assessment of the state tax, in the years when the legislature is in session, and for other years it shall be due and payable in one year after the date of such assessment. The valuation as determined by the board of state assessors, and set forth in the statement filed by them as provided by section thirteen of chapter twelve, shall be the basis for the computation and apportionment of the tax hereby assessed. The tax hereby assessed shall be valid, and all remedies herein provided shall be in full force if said property is described with reasonable accuracy, whether the ownership thereof is correctly stated or not.

Sec. 70. State assessors to file description of land subject to tax. R. S. c. 8, § 62. The board of state assessors shall, within thirty days after such tax is due, prepare and file with the treasurer of state, a certificate setting forth the description of each lot, parcel, or right subject to the tax, together with the tax computed at the rate fixed in the preceding section.

Sec. 71. Tax notices may be sent by mail to known owners; lists of assessments of unknown owners to be advertised. R. S. c. 8, § 63. 1923, c. 65, § 1. The treasurer of state shall, within three months thereafter, notify in writing the owners of such lands so assessed by sending to each by mail at his last known address, a statement of such tax containing a brief description of the land assessed and the amount of such tax and the date when payment is required, and shall send like notices of such tax for the following year within three months after one year from such assessment. In case the owners of any such lands are unknown instead of sending notices by mail he shall cause the lists of such assessments to be advertised for three weeks successively in the state paper, and

in some newspaper, if any, printed in the county in which the land lies, and shall cause like advertisement of the lists of such tax for the following year to be made within three months after one year from such assessment. The land shall be held to the state for the payment of the tax so assessed, with interest at six per cent per annum, to commence six months after such tax is due as herein provided.

109 Me. 477.

Sec. 72. Redemption of lands assessed, proceedings; land forfeited to the state. R. S. c. 8, § 64. 1923, c. 65, § 2. Owners of lands so assessed may redeem them by paying to the treasurer of state the tax with interest thereon, within one year from the time when such interest commences. Each owner may pay for his interest in any tract, whether in common or not, and, upon filing with the treasurer of state a certificate showing the number of acres, and describing the property on which he desires to pay the tax, and where the same is located, and paying the amount due, shall receive a certificate from the treasurer of state, discharging the tax on the number of acres or interest upon which such payment is made. Each part or interest of every such township or tract upon which the tax is hereby imposed and so advertised is not paid, with interest, within the time limited in this section for such redemption, shall be wholly forfeited to the state and vest therein free of any claim by any former owner.

109 Me. 477.

Sec. 73. Assessment of taxes on organized plantations. R. S. c. 8, § 65. The treasurer of state shall annually send his warrant, together with a copy of the assessment of taxes upon the organized plantations in the Maine Forestry District, directed to the municipal officers of said plantations, requiring them respectively to assess, in dollars and cents, the sum so charged, according to the provisions of law for the assessment of such taxes, and to add to the amount of such tax the amount of state, county and plantation taxes, to be by them assessed in each plantation respectively.

Sec. 74. Use of funds; when insufficient, payments from state treasury; audit of accounts. R. S. c. 8, § 66. The tax assessed by authority of section sixty-nine shall be held by the treasurer of state as a fund to be used to protect from fire the forests situated upon and within the district, and to pay expenses incidental thereto and for no other purpose. The governor and council shall from time to time, as the forest commissioner may request, issue their warrant to the treasurer of state to pay to said commissioner such sums of money as said commissioner may deem necessary for the purpose aforesaid. If the tax assessed by authority of section sixty-nine has not been collected or for any reason is not available for the purpose aforesaid or if said tax proves insufficient in any year to properly carry out said purpose, the governor and council may issue their warrant to the treasurer of state, authorizing him to advance and pay to the forest commissioner, from any moneys then in the treasury not otherwise appropriated, such sum or sums of money as they may deem necessary for such purpose. The accounts of the commissioner of the disbursement of all funds shall be examined by the state auditor for the purpose of determining if said accounts are correctly kept and all payments properly vouched for. The forest commissioner may employ from time to time such clerks in his office as will enable him to pay promptly all bills contracted in carrying out the provisions hereof and the compensation of such clerks shall be paid from the funds provided for the district.

109 Me. 472.

Sec. 75. Prevention, control, and extinguishment of fires; lookout stations. R. S. c. 8, § 67. The forest commissioner shall take measures for the prevention,

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control, and extinguishment of forest fires in said forestry district, and to this end he shall establish such sub-forestry districts as he may deem necessary for effective protection against loss or damage by fire. He may establish lookout stations connected by telephone and equip and maintain depots for necessary tools for the extinguishment of forest fires.

Sec. 76. Chief forest fire warden; deputy forest fire wardens; tenure. R. S. c. 8, § 68. He shall appoint in and for each of the districts so established, a chief forest fire warden, and such number of deputy forest fire wardens as in his judgment may be required to carry out the provisions of sections sixty-eight to eighty-one, both inclusive, assigning to each of the latter the territory over and within which he shall have jurisdiction. All chief and deputy forest fire wardens, so appointed, shall hold office during the pleasure of the commissioner; they shall be sworn to the faithful discharge of their duties, and a certificate thereof shall be returned to the office of the commissioner.

Sec. 77. Duties of fire wardens and deputy wardens; employment of assistants. R. S. c. 8, § 69. 1921, c. 58. 1923, c. 1. The chief forest fire wardens, under the direction of the commissioner, shall have general supervision of their respective districts and of the deputy forest fire wardens therein. Each chief forest fire warden, when directed by the commissioner, shall patrol the forests of his district for the purpose of searching out, extinguishing and guarding against forest fires. He shall investigate and gather evidence regarding the causes of forest fires, enforce all laws relating to forests and forest preservation, arrest all violators thereof, prosecute all offenses against the same, and in this connection shall have the same power to serve criminal processes against such offenders and shall be allowed the same fee as a sheriff, or his deputy, for like services, and shall have and enjoy the same right as a sheriff to require aid in executing the duties of his office. The chief forest fire wardens shall perform such other duties, at such times, and under such rules and regulations as the said commissioner may prescribe, and each shall receive as compensation four dollars for each and every day of actual service, with an allowance for actual necessary expenses of travel and subsistence. Deputy forest fire wardens shall perform such duties, at such times and under such rules and regulations, as the commissioner, or the chief fire warden of the district, with the approval of the commissioner, may prescribe. They shall receive as compensation three dollars for each and every day of actual service, with an allowance for actual necessary expenses of travel and subsistence, except that when in charge of fire fighting operations they shall be paid at the rate of thirty-five cents for each hour of actual service and be provided with subsistence during such service.

Sec. 78. Chief and deputy fire wardens to take immediate action to control fires; may summon assistance; deputy wardens to render account of expense; chief warden to make detailed report. R. S. c. 8, § 70. 1921, c. 83. Whenever a fire occurs on or is likely to do damage to forest lands within the district of any chief forest fire warden, he shall take immediate action to control and extinguish the same. If such fire occurs upon or is likely to do damage to forest lands within the territory of a deputy forest fire warden and the chief fire warden of the district is not present, the deputy forest fire warden having jurisdiction of the territory shall forthwith proceed to control and extinguish the same, and he shall meanwhile, with all consistent dispatch, cause the said chief fire warden of the district to be notified of the occurrence of such fire. Until the arrival of the chief warden at the place of fire, the deputy warden shall be in charge of the control and extinguishment of the same. For the purpose of controlling and extinguishing fires, chief forest fire wardens and deputy forest fire wardens, when

in charge of the control and extinguishment of forest fires or when so directed by the chief warden, may summon to their assistance any person found within the state and each person so summoned and assisting shall be paid thirty cents for each hour of service rendered by him and be provided with subsistence during such service. Immediately after the extinguishment of a fire, the deputy forest fire warden who for any time may have been in charge of the same, shall make return to the chief warden of the district of the expense thereof during the period of his being in charge, including the names of the persons so summoned and assisting, with their post office addresses and the hours of labor actually performed by each under his direction. The return shall be made upon oath and the chief warden is hereby authorized and empowered to administer such oath. Upon receipt of such return, the chief fire warden shall carefully examine and audit the same, and he may direct the deputy to amend and correct any return found to be incomplete, incorrect, or insufficient in form. If upon examination and auditing of said return, and investigation of the subject matter thereof, the chief fire warden believes said return to be just and correct, he shall endorse his written approval thereon and forward the same so approved to the forest commissioner. The chief fire warden of every district burned by a forest fire shall, upon the extinguishment of such fire, promptly forward an extract and detailed statement of the expense, if any, which he may have incurred in connection with the extinguishment of such fire, to the forest commissioner, who may confirm, reject or recommit, either or both, the approved return of said deputy or the detailed statement of the chief fire warden, if justice so requires.

Sec. 79. Expenses, how paid. R. S. c. 8, § 71. All expenses incurred under the provisions of sections sixty-eight to eighty-one, both inclusive, shall be paid from the funds raised and created by the tax assessed under the provisions of section sixty-nine.

Sec. 80. Appropriation. R. S. c. 8, § 72. So much of the funds raised by the tax hereby imposed and paid into the treasury, as may be necessary to pay the claims, accounts, and demands arising under the provisions of the twelve preceding sections, is hereby appropriated to pay the same, and the governor and council may draw their warrants therefor at any time. Any balance remaining unpaid shall continue from year to year as a fund available for the purpose defined in section seventy-four.

Sec. 81. Any adjacent town or plantation may become part of forestry district. R. S. c. 8, § 73. Any incorporated town or organized plantation adjoining any part of the Maine forestry district may by vote at any meeting of its inhabitants duly called and held, become a part of said forestry district and subject to all the provisions of the thirteen preceding sections. A copy of such vote, certified by the town clerk or plantation assessors, shall be forwarded forthwith to the treasurer of state and to the forest commissioner, and from the time such certified copy is filed in the office of the treasurer of state, the town or plantation so voting shall be and continue a part of said forestry district. All incorporated towns or organized plantations which shall become a part of said district and all officers of such towns or plantations shall be and are exempt from the duties and obligations imposed by section twenty-nine of this chapter.

Sec. 82. Acceptance of gifts to state of land for park and forest purposes. 1919, c. 166, § 1. The forest commissioner may, with the advice and consent of the governor and council, accept on the part of the state gifts of land for forest and park purposes. The title to lands acquired under this section shall be investigated and approved by the attorney general of the state.

Sec. 83. Purposes for which lands may be used; not to be sold; may be im-

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proved; revenue derived from to be used for improvement or further acquisition. 1919, c. 166, § 2. The purpose of this acquisition of land is hereby declared to be the preservation of scenic beauty, facility for recreation as nearly unrestricted and general as is practicable by the people of this state and those whom they admit to the privilege, and the production of timber for watershed protection and as a crop. The lands acquired within the limits described in section eighty-two shall never be sold. They shall be protected from fire and damage from other sources in an efficient and economical way. They may be improved by roads and trails and also reforested under direction of the forest commissioner according to his best knowledge and judgment when funds are available for that purpose. Timber may be sold and camp sites leased by the state forest commissioner with the approval of the governor and council when in accordance with the purposes of this section as previously stated; no contract of either character to be for a term of more than five years. Revenues derived from these uses shall be paid to the state treasury by the said forest commissioner and constitute a fund to be applied to the care and improvement of these lands or to the acquisition of other lands for similar purposes.

Auxiliary State Forests.

Sec. 84. Forest commissioner to have charge of state forest and to regulate cutting on auxiliary forests; may appoint assistants. 1921, c. 78, § 1. The forest commissioner shall have full charge of all state forests, as the same are hereinafter defined, including the power to reforest and regulate cutting on the same and the authority to provide young trees to companies, firms, and individuals for planting at cost to the state of producing the same, and shall have charge of enforcing all laws enacted to regulate the cutting on auxiliary state forests, as hereinafter defined; and he may, from time to time, as may be found necessary in carrying out the provisions of this act, appoint additional assistants, not exceeding five.

Sec. 85. State forests defined. 1921, c. 78, § 2. State forests shall include all areas now owned or hereafter acquired by the state which are now covered with trees or which shall hereafter be planted to trees by the state, excepting the land owned by the state in the City of Augusta.

Sec. 86. State may acquire additional tracts. 1921, c. 78, § 3. The forest commissioner shall, from time to time, recommend to the governor and council such tracts of land, the acquirement of which will, in his judgment, be most advantageous to the state in preserving existing forests, in reforesting barren areas and protecting the natural water supply of the rivers of the state, and at such times as there shall be appropriations therefor, the governor, with the consent of the council, shall purchase the same in the name of the state.

Sec. 87. Auxiliary state forests defined. 1921, c. 78, § 4. Auxiliary state forests shall include all areas owned by corporations, firms, or individuals, now covered by trees or which shall be planted to trees for use as fuel, manufacture, or sale, the owner of which, shall in cities and organized townships have filed with assessors and forest commissioner, and in unorganized townships with the forest commissioner, plans or description of such tracts with a request that the same be included as a part of the auxiliary forests of the state.

Sec. 88. Owners of auxiliary forests proposing to begin lumbering operations thereon must obtain a license from state forest commissioner; license may be revoked for cause. 1921, c. 78, § 5. Owners of auxiliary state forests proposing to cut, or permit cutting, on such forest lands, trees for market or manufacture, shall by themselves, or by their agents, file an application in duplicate with

the forest commissioner, on blanks furnished by said commissioner, stating the location of the tracts proposed to be cut, with the names and addresses of the permittees, if any, the stumpage price per thousand feet, or per cord if the same is to be sold by the thousand feet, or cord, or, if the standing timber on a given tract be sold for a gross sum, then the location and bounds of such tract and the gross sum for which the same is sold. On receipt of the aforesaid application, license to cut from such tract or tracts in accordance with the cutting rules hereinafter stated, shall issue to such owner or permittee within one week thereafter, which license shall remain in force for one year from date of the said license, unless sooner revoked by the said forest commissioner for failure of the said owner, his agents, or permittees to conform to law in cutting such forests.

Sec. 89. Exemption from procuring license; returns of all lands cleared for agricultural, building, or highway purposes to be made prior to April 15; said lands cease to be part of auxiliary forests and shall be taxed. 1921, c. 78, § 6. 1923, c. 138, § 1. No person desiring to clear land for agricultural purposes, for building, or for highways, or to cut trees for use in building camps, dams, or the construction of ways, or for use as fuel in the course of lumbering operations, or from his own land for use upon his farm in the ordinary course of good husbandry, shall, for the purposes aforesaid, be required to comply with section eighty-eight unless the wood so cut is to be sold for fuel or sold or used for manufacture; provided that prior to April fifteenth of each year, a return of all land cleared for agricultural purposes, for building, or for highways during the year ending April first shall be made to the forest commissioner, giving the area and location of all land so cleared; and provided further, that all land so cleared shall thereupon automatically cease to be a part of the auxiliary state forest and shall be taxed in the same manner and at the same rate as other real property.

Sec. 90. White pines under 10 inches, at four feet from the ground to be left standing; three pine seed trees to be left on each acre. 1921, c. 78, § 7. No white pine trees under ten inches in diameter at four feet from the ground shall be cut from the state forests or from auxiliary state forests, except when such cutting be necessary in the clearing or roads or yards during the operations, or from localities in which trees are unduly exposed to destruction from wind or too thick for profitable growth. At least three pine seed trees shall be left on each acre.

Sec. 91. Plans approved by forest commissioner may be followed instead of provisions of preceding section. 1921, c. 78, § 8. Any plan for the cutting or cultivation of forests prepared by the owners thereof and approved by the forest commissioner may be pursued by the owners of such forest, instead of conforming to section ninety.

Sec. 92. Pine more than 16 inches in diameter, and hemlock, spruce, and cedar more than 12 inches, at four feet from the ground, and all other trees to be taxed; land to be appraised not exceeding \$5 per acre. 1921, c. 78, § 9. 1923, c. 138, § 2. State, town, and plantation assessors shall, for the purpose of taxing auxiliary state forests, appraise only the land and pine trees more than sixteen inches in diameter at four feet from the ground; hemlock, spruce, and cedar trees more than twelve inches in diameter at four feet from the ground, and trees of all other species irrespective of size; provided, however, that the land shall be appraised at a valuation not to exceed five dollars per acre independent of any great pond therein.

Sec. 93. Municipalities to receive tax when trees are cut; tax to be paid state in unincorporated places. 1921, c. 78, § 10. All persons, firms, or corporations owning auxiliary state forests and who are engaged in the business of cutting

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trees therefrom for market, or manufacture, or the permittees' owning the stumpage upon such forests so engaged in cutting, shall pay, after joining the auxiliary forest, to the state treasurer for the use of the state, when the land from which said trees so cut is located in unincorporated places, and to treasurers of the various cities, towns, plantations, or incorporated places where the land from which said trees so cut is located, a tax of one-half of one per cent, if cut during the first year, one per cent for the second year, and one and one-half per cent for the third year, two per cent the fourth year, two and one-half per cent the fifth year, three per cent the sixth year, three and a half per cent the seventh year, four per cent the eighth year, four and a half per cent the ninth year and five per cent for the tenth year, and thereafter upon the stumpage value of all trees so cut and during the year ending the first day of April the value of the stumpage so cut to be determined by the assessors who assess the land on which said trees are cut, and as an aid thereto the forest commissioner shall furnish to the said assessors duplicate copies of all applications, licenses, permits, and returns as shall be on file in his office on the fifteenth day of April. And such logs or lumber so cut shall be subject to a lien enforceable within six months in favor of the state in unincorporated places, or the town in incorporated places, where the logs were cut, to be enforced by the forest commissioner or assessors of the town where the tax is due.

Sec. 94. When no return of amount cut is made to forest commissioner, state assessors to ascertain amount as near as may be and assess same; appeal of owners. 1921, c. 78, § 11. If any owner or permittee fails to make the returns of the amount cut as herein provided, such fact shall be certified by the forest commissioner to the assessors, and thereupon the assessors shall ascertain, as nearly as may be, the amount so cut, and the amount so found shall be assessed, and the owner is thereby barred of his right of appeal, provided for by this chapter, unless he offers such return with his appeal and satisfies the court that he was unable to make such returns within the time limited.

Sec. 95. Credits to be allowed counties; how computed. 1921, c. 78, § 12. The state shall credit to each county assessing the soil in tracts designated in section forty-one of chapter thirteen of the revised statutes, with an amount which shall bear the same ratio to the amount of the tax received on stumpage from such tracts for the year prior to such credit as the rate of the county tax bears to the rate of the state tax. This amount is to be credited in addition to the credit to be given under section forty-three of chapter thirteen of the revised statutes, and shall be certified to the county treasurer at the time and in the manner provided in said section eighty-seven.

Sec. 96. Return of all logs cut to be made in duplicate to forest commissioner annually. 1921, c. 78, § 13. Every person, firm, or corporation to whom license is granted under the provisions of this chapter to cut from any of the auxiliary state forests shall make a return in duplicate to the forest commissioner, not later than the fifteenth day of April of each year, of the amount of each kind of logs cut, if it has been cut into four-foot lengths, of the number of cords of each kind of wood cut, all hardwoods being designated under the general heading "hardwoods," under such license for the year ending April first, and shall make oath that such return is a true and correct statement of the amount so cut according to their best knowledge and belief.

Sec. 97. When no return is made no further license to be issued. 1921, c. 78, § 14. If any person, firm, or corporation to whom license may be granted under the provisions of this chapter shall fail to make the returns provided herein

within the time limited for the making of such returns, no further license shall be granted to such person, firm, or corporation until such return be made.

Sec. 98. Penalty for refusing or neglecting to make returns, for false returns, or for operating contrary to provisions of §§ 84-100. 1921, c. 78, § 15. Any person, firm, or corporation refusing or neglecting to make the returns required by sections eighty-four to one hundred within the time limited herein, or any person who shall knowingly or wilfully make a false return of the quantity of logs cut or the number of cords of wood cut, during any season, or who shall cut any trees from the auxiliary state forests contrary to the provisions of said sections shall be punished by a fine of not exceeding one thousand dollars.

Sec. 99. When protest is made by local assessors area of any town to be set aside as auxiliary forest not to exceed one tenth of total. 1921, c. 78, § 16. Provided however, that in any one year not more than ten per cent of the area of a town can be admitted as a part of the auxiliary state forests of the state if the assessors of said town file a protest with the forest commissioner within ten days from the date of application for admission.

Sec. 100. Upon withdrawal, all taxes from date of listing, at full value, must be paid. 1921, c. 78, § 17. 1923, c. 138, § 3. Provided that all or any part of any land included in the auxiliary state forest may be withdrawn when for any reason it becomes more valuable for other purposes, by filing with the forest commissioner description of such land and by paying back taxes from the date of listing of the auxiliary state forest on the full value of all timber standing thereon at the time of withdrawal, together with all expenses of administration incurred by the forest commissioner.

Sec. 101. Permanent Fund. 1919, c. 43. The money appropriated under chapter forty-three of the public laws of nineteen hundred nineteen is designated as a permanent fund to be expended under the direction of the forest commissioner for general forestry purposes, including the reforestation of waste lands acquired by the state by grant or purchase, the encouragement of reforestation by private owners, the enforcement of legislation relating to forestry, and the general improvement of forest growth both within and without the Maine Forestry District. The unexpended balance in any year shall not be permitted to lapse, but shall be available for said purposes. The forest commissioner may in any year with the advice and consent of the governor and council use any unexpended money accumulated from previous years for the enlargement or development of state forest reservations.

CHAPTER 12.

The Board of State Assessors and the Assessment of Excise Taxes.

Sections 1-20	The Board of State Assessors.
Sections 21-27	Taxation of Corporate Franchises.
Sections 28-38	Taxation of Railroad Companies.
Sections 39-45	Taxation of Telephone and Telegraph Companies.
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Sections 66-68	Taxation of Loan and Building Associations.
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Sections 73-76	Taxation of Trust and Banking Companies.
Sections 77-79	Taxation of Shares of Stock of Trust and Banking Companies.
Sections 80-90	Tax on Gasoline.

Board of State Assessors.

Sec. 1. Board of state assessors, appointment and tenure; governor to designate chairman; vacancies. R. S. c. 9, § 1. A board of state assessors, consisting of three members, not more than two of whom shall be taken from the same political party, shall be appointed by the governor with the advice and consent of the council, for the term of six years, excepting in case of appointments made to fill vacancies, and the terms of office of said members shall be so arranged that an appointment of one member shall take place biennially. The governor shall designate the member who is to serve as chairman of the board, and he shall serve in such capacity until the expiration of his term of office or until a vacancy occurs. In case of the death, resignation, refusal, or inability to serve of any one or more of said board, the governor, with the advice and consent of the council, shall, as soon as may be, fill such vacancy by appointment, and the assessor so appointed shall hold said office until the expiration of the term in which such vacancy occurs.

See Const. of Me. Art. ix, § 1; 105 Me. 104.

Sec. 2. Qualification; to be in continuous session. R. S. c. 9, § 2. The members of such board shall be persons known to possess knowledge of and training in the subject of taxation and tax laws, and skilled in matters pertaining thereto. Each member shall devote his entire time to the duties of the office. The board shall be in continuous session and open for the transaction of business every secular day, and may hold sessions at any other place than the capitol when deemed necessary in the performance of their duties.

Sec. 3. Powers. R. S. c. 9, § 3. The board of state assessors may summon before them and examine on oath any town assessor or other officer, or any officer of any corporation, or any individual whose testimony they shall deem necessary in the proper discharge of their duties, and shall require such witnesses to bring with them for examination any books, records, papers, or documents, belonging to them or in their custody or control, relating to any matter which the board may have authority to investigate or determine. Each of said members

and their clerk shall have power to administer all oaths required by this chapter. In case of failure on the part of any person or persons to comply with any order of the board, or on refusal of any witness to testify on any matter regarding which he may lawfully be interrogated before the board, the supreme judicial court or any justice thereof, may, on application of the attorney-general, made at the written request of the board, compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirement of a subpoena issued from such court or a refusal to testify therein. Officers who serve summonses or subpoenas, and witnesses attending when summoned, shall receive like compensation as officers and witnesses in the supreme judicial court.

Sec. 4. To equalize state and county taxes. R. S. c. 9, § 4. The board of state assessors shall constitute a state board of equalization, whose duty it shall be to equalize the state and county taxes among the several towns and unorganized townships in the manner hereinafter provided, and to apportion the state taxes among the several towns of the state. They shall exercise and perform such other powers and duties as may be required or imposed upon them by law.

Sec. 5. Supervision over administration of assessment and taxation laws and over local assessors; notice of meetings; town assessors to attend meetings and answer questions; penalty. R. S. c. 9, § 5. The board shall have and exercise general supervision over the administration of the assessment and taxation laws of the state, and over local assessors and all other assessing officers in the performance of their duties, to the end that all property shall be assessed at the just value thereof in compliance with the laws of the state. One or more members of the board shall visit officially every county in the state at least once each year, and at other times as may be necessary in the performance of their duties, and shall there hold sessions at such times and places as they may deem necessary to inquire into the methods of assessment and taxation and to confer with and give necessary advice and instruction to local assessors as to their duties under the laws of the state, and to secure information to enable them to perform their duties as herein provided. They shall give such public notice of said meetings as they deem proper, and shall give to each board of town assessors in the county in which meetings are to be held a notice by mail of the time and place of such meetings. Each board of town assessors, or some member or members of each of them, shall attend said meeting, having with them the then last lists or books giving the valuation of all taxable property in their respective towns. They shall answer, under oath if required, such questions pertaining to the valuation of the property in their towns as the board of state assessors may put to them. Said meeting shall be under the general direction of the board of state assessors and governed by such rules of order as said board shall make and announce. Any town whose assessors shall fail to attend said meetings, without excuse satisfactory to the board of state assessors, shall be liable to pay the reasonable expenses of the board or of any person appointed by it, incurred in making examination of the lists or books of said town or in getting other evidence pertaining to the valuation of the property in such town. Such expenses shall be reported to the legislature by the board of state assessors and shall be added to the amount of the next state tax levied against such town, or may be recovered in an action of debt against such town in the name of the treasurer of state. Towns shall pay to said town assessors a reasonable compensation and actual expenses incurred in complying with the requirements of this chapter.

Note. Duties as to taxes in Maine Forestry District, c. 11, § 70.

Sec. 6. If assessors fail to furnish information, board may report such valuation as it may deem just. R. S. c. 9, § 6. If the assessors of any town, or some

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one of them shall fail to appear before said board as hereinbefore provided or to transmit to them the lists hereinbefore named within ten days after the mailing or publication of notice or notices to them, to so appear or transmit said lists, the said board may in its discretion report the valuation of the estates and property and lists of polls liable to taxation in the town so in default, as it shall deem just and equitable.

Sec. 7. Assessors of towns to annually under oath make return to state assessors. R. S. c. 9, § 7. The assessors of each town shall, on or before the first day of August, annually, and at such other times as the board may require, make and return on blank lists which shall be seasonably furnished by the board of state assessors for that purpose, all such information as to the assessment of property and collection of taxes as may be needed in the work of the board, including annually aggregates of polls, the land value, exclusive of buildings and all other improvements, and the valuation of each and every class of property assessed in their respective towns, with the total valuation and percentage of taxation, and itemized lists of property upon which the town has voted to affix a value for taxation purposes, and before transmitting the same to the board of state assessors, shall make and subscribe an oath or affirmation, which for annual returns shall be printed on said lists as follows: "We, the assessors of the of , do swear (affirm) that the foregoing statement contains true aggregates of the valuation of each class of property assessed in said town of , for the year , and that we have followed all the requirements of law in valuing, listing, and returning the same. So help me God, (this we do under the pains and penalty of perjury)."

See c. 5, § 31.

Sec. 8. To equalize assessment list of each town. R. S. c. 9, § 8. The board of state assessors shall equalize and adjust the assessment list of each town, by adding to or deducting from it such amount as will make it equal to its just value.

Sec. 9. Forest commissioner to furnish board with lists of all wild lands; county commissioners to return value; value, when soil and growth are owned by different persons; owners to appear before board and render lists; exceptions. R. S. c. 9, § 9. The forest commissioner shall prepare and deliver to the board of state assessors, full and accurate lists of all townships or parts of townships or lots or parcels of wild lands in this state sold and not included in the tax lists, whether conveyed or not, and shall lay before said board all information in his possession touching the value and description of wild lands at their request; also a statement of all lands on which timber has been sold or a permit to cut timber has been granted by lease or otherwise. All other state officers, when requested shall, in like manner, lay all information in their possession touching said valuation before said board. On or before the first day of August, biennially after the year eighteen hundred and ninety-four, the county commissioners of any county, in which are any wild lands as heretofore described in this section, shall return to said board in books prepared for that purpose, the fair value of each and every township, lot, or parcel of wild land. In fixing the valuation of unorganized townships whenever practicable, the lands and other property therein of any owners may be valued and assessed separately. When the soil of townships or tracts taxed by the state as wild land is not owned by the person or persons who own the growth or part of the growth thereon, the board of state assessors shall value the soil and such growth separately for purposes of taxation. All owners of wild lands or of rights of timber and grass on public lots shall either in person or by authorized agent appear before the board of state

assessors at times and places of holding sessions in the counties where said lands are located, or at any regular meeting of the board held elsewhere on or before the first day of August of each year preceding the regular legislative session of this state; and render unto them a list of all wild lands thus owned, either in common or severalty, giving the township, number, range, and county where located, part owned, and an estimate of its fair value; and answer such questions or interrogatories as said board may deem necessary in order to obtain a full knowledge of the just value of said lands. Owners of less than five hundred acres of such lands in any township shall be exempted from the provisions of this section. Any owner of wild lands herein named who, after notice in writing so to do, shall fail to furnish all the information hereinbefore required within sixty days from the time he receives such notice, shall be liable to pay the reasonable expenses of the board of state assessors or of any person or persons, not exceeding two, appointed by said board, incurred in making examination of said wild lands. The amount of said expenses shall be determined by said board, and an action of debt to recover the same shall lie in the name of the treasurer of state.

*121 Me. 306.

Sec. 10. To investigate all cases of concealment, and of under valuation; direct proceedings, actions, and prosecutions; order reassessment; appeal. R. S. c. 9, § 10. 1917, c. 24. The board shall, at its own instance or on complaint made to it, diligently investigate all cases of concealment of property from taxation, of under valuation, and of failure to assess property liable to taxation. They shall bring to the attention of town assessors all such cases in their respective towns. They shall direct proceedings, actions, and prosecutions to be instituted to enforce all laws relating to the assessment and taxation of property and to the liability of individuals, public officers, and officers and agents of corporations for failure or negligence to comply with the provisions of the laws governing the assessment of taxation of property, and the attorney general and county attorneys, upon the written request of the board, shall institute such legal proceedings as may be necessary to carry out the provisions of this chapter. The board shall have power to order the reassessment of any or all real and personal property, or either, in any town where in the judgment of said board such reassessment is advisable or necessary to the end that all classes of property in such town shall be assessed in compliance with the law. Neglect or failure to comply with such orders on the part of any assessor or other official shall be deemed wilful neglect of duty and he shall be subject to the penalties provided by law in such cases. Provided a satisfactory reassessment is not made by the local assessors, then the board of state assessors may employ assistance, from within or without the town where such reassessment is to be made, and said town shall bear all necessary expense incurred. Any person aggrieved because of such reassessment shall have the same right of petition and appeal as from the original assessment.

Sec. 11. Owners and agents of lands in unorganized townships or wild lands to make returns to state assessors of yearly cut. 1919, c. 77, § 1. That the owners or agents of all lands in unorganized townships and organized plantations, classed as wild lands, shall return to the board of state assessors, on blanks furnished upon application to said board, the amount in board feet of all logs and other timber cut, or if it has been cut into four-foot lengths, or otherwise, the number of cords of each kind of wood cut from their land the year preceding July first of the year in which said return is made.

Sec. 12. State assessors, on failure, may obtain information and assess expense against lands. 1919, c. 77, § 2. Should any owner or agent whose duty it

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is to make such return, neglect or refuse to comply with the requirements of the preceding section, the board of state assessors may secure the information as to the amount of such cut by such methods as they shall deem expedient or advisable, and the expense of securing such information shall be added to the state tax next assessed against the land of such owner or agent, and collected in the same manner as all wild land taxes are collected.

Sec. 13. To file with the secretary of state biennially, a state valuation. R. S. c. 9, § 11. A statement of the amount of the assessed valuation for each town, township, and lot or parcel of land, in any unorganized townships, and lot or parcel of land not included in any township, after adjustment as provided by section eight, the aggregate amount for each county, and for the entire state as fixed by the board of equalization, shall be certified by said board and deposited in the office of the secretary of state as soon as completed, and before the first day of December preceding the regular sessions of the legislature. The valuation thus determined shall be the basis for the computation and apportionment of the state and county taxes, until the next biennial assessment and equalization.

Sec. 14. State assessors may make abatement of taxes. R. S. c. 9, § 12. The board of state assessors may, within one year from the assessment, if justice requires, make an abatement of any state, county, or forestry district taxes. A list of such abatements, and the amount of the same, shall be transmitted by the board of state assessors to the treasurer of state, and such amount or amounts shall be deducted from such taxes.

Sec. 15. May abate tax when property has been doubly taxed. R. S. c. 9, § 13. Whenever it appears to the board of state assessors that any parcel of property in the state has been doubly taxed in any year, and it appears by the records in the office of the treasurer of state that a moiety of such tax has been paid, the board may abate the balance remaining unpaid, and said tax or taxes shall be cancelled upon the treasurer's books.

Sec. 16. Assessors to examine method of taxation in other states and incorporate result in report. R. S. c. 9, § 14. The board of state assessors shall investigate and examine into the system and method of taxation of other states, and also make careful and constant inquiry into the practical operation and effect of the laws of this state, in comparison with the laws of other states, with the view of ascertaining wherein the tax laws of this state are defective, inefficient, inoperative, or inequitable. They shall biennially incorporate the result of their investigation and inquiry in their report made prior to each legislative session, and recommend therein such modifications, changes, and additions in the tax laws of this state as may seem advisable or necessary to secure a more just and equitable system of taxation.

Sec. 17. Assessors to be provided with rooms; may employ assistants. R. S. c. 9, § 15. 1919, c. 195. 1921, c. 152. They shall be provided with suitable rooms in the state house and may employ assistance in addition to a chief clerk as they shall deem necessary within the appropriation for that purpose.

Sec. 18. Convention of municipal assessors authorized. 1919, c. 202. The state assessors are authorized to hold an annual convention of city and town assessors in the city of Augusta. The time of holding said convention shall be designated by the board of state assessors, and the expenses of the same, not to exceed three hundred dollars annually, shall be paid from the state treasury.

Sec. 19. Assessors to include in inventory sheep, swine, neat cattle, and fowl; returns to state assessors. R. S. c. 9, § 16. 1917, c. 285, § 2. 1919, c. 199. 1923, c. 182. Assessors of taxes shall include in the inventory, required to be taken on April first, the number and value of all neat cattle eighteen months old and

under, all sheep to the number of thirty-five, swine to the number of ten, and domestic fowl to the number of fifty, stated separately, and at every fifth year after nineteen hundred and eighteen the number and value of each kind of domestic fowl. They shall make return thereof to the state assessors, who shall tabulate the returns and publish them in detail. Said property shall not be included in the tax list.

Sec. 20. To report annually to governor and council. R. S. c. 9, § 17. The board of state assessors shall annually, before the first day of December, make a report to the governor and council of their proceedings and shall include therein a tabular statement of all statistics derived from returns from local assessors, with schedules of all corporations on which state taxes were assessed during the year, and such other statistics and information concerning revenue and taxation as may be deemed of public interest, and for the years in which they shall equalize the valuation of the state, their report shall include tabular statements of the state valuation by towns.

Taxation of Corporate Franchises.

Sec. 21. Taxation and rate. R. S. c. 9, § 18. Every corporation incorporated under the laws of the state, except such as are excepted by section twenty-seven of chapter fifty-five, shall pay an annual franchise tax of five dollars, provided the authorized capital of said corporation does not exceed fifty thousand dollars; of ten dollars, provided said authorized capital exceeds fifty thousand dollars, and does not exceed two hundred thousand dollars; of fifty dollars, provided said authorized capital exceeds two hundred thousand dollars, and does not exceed five hundred thousand dollars; of seventy-five dollars, provided said authorized capital exceeds five hundred thousand dollars, and does not exceed one million dollars, and the further sum of fifty dollars a year for each one million dollars, or any part thereof, in excess of one million dollars.

108 Me. 275, 297.

Sec. 22. Taxes, how assessed and when due and payable. R. S. c. 9, § 19. The board of state assessors shall, on or before the first day of July, annually, assess the tax provided by the preceding section upon the authorized capital stock of each of said corporations and shall certify the same to the secretary of state, who shall thereupon notify each of said corporations of the amount of said tax assessed to it, and such tax shall become due and payable from said corporation into the state treasury on the first day of September thereafter.

108 Me. 275.

Sec. 23. Tax to be a debt due from corporation. R. S. c. 9, § 20. Such tax shall be a debt due from such corporation to the state, for which an action of debt may be maintained after the same shall have been in arrears for the period of one month; such tax shall also be a preferred debt in case of insolvency under the laws of this state, or in any process of liquidation in its courts.

108 Me. 275.

Sec. 24. In case of neglect or refusal to pay, charter liable to forfeiture. R. S. c. 9, § 21. If any corporation liable to taxation under section twenty-one shall for one year neglect or refuse to pay to the state any tax or penalty assessed against it hereunder, its charter shall be liable to forfeiture as hereinafter provided.

Sec. 25. Proceedings when any company shall have been in arrears six months. R. S. c. 9, § 22. The treasurer of state, whenever any tax due under the four preceding sections from any company shall have remained in arrears for a period of six months after the same shall have become payable, shall re-

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port the same to the attorney-general, who shall forthwith apply to the supreme judicial court in equity in the name of the state, for the forfeiture of the charter of such delinquent corporation, and said court shall order such notice to all parties interested as it may deem proper and shall have jurisdiction in said cause to appoint receivers, issue injunctions, and pass interlocutory decrees and orders according to the usual course of proceedings in equity, and to make such final orders and decrees as the nature of the case may require.

Sec. 26. Annual list to be prepared and published as herein provided. R. S. c. 9, § 23. 1925, c. 4. The secretary of state shall annually prepare a list of all corporations that have failed to pay their annual franchise tax for the preceding year, giving the corporate name, the name of the treasurer last filed in the office of the secretary of state, and the amount of the tax due from each corporation, except those from which by reason of having been duly excused as provided by statute, or dissolved by decree of court, no franchise tax is due for such year, which list shall be published three times for three consecutive weeks in the month of August in four places within the state, namely, Lewiston, Bangor, Portland, and Augusta, in such newspapers in each place as the secretary of state may select. If any corporation so advertised shall fail to pay all franchise tax due the state for such year, and the expenses of advertising the same, on or before the first day of December following, its charter shall be suspended, and such corporation shall have no right to use the same.

Sec. 27. Charter may be revived; data as to suspension of charter to be placed on record and certified. R. S. c. 9, § 24. Any charter suspended under the preceding section may be revived by payment of all franchise taxes and expenses of advertising as aforesaid due from the corporation at the time of such payment. Any corporation whose charter shall have become suspended as aforesaid shall continue liable for its yearly franchise tax, but while its charter is so suspended, no notice relating to said franchise tax need be sent to the corporation by any state officer. The data covering the suspension of said charter, to wit: the fact of publication and the dates thereof, and the suspension of said charter by reason of such publication and the failure to pay said overdue franchise tax as herein provided shall be so entered upon the corporation records of the state and be certified by the secretary of state as evidence of the suspension of the charter of such corporation.

Taxation of Railroad Companies.

Sec. 28. Annual returns of railroad companies; contents. R. S. c. 9, § 25. Every railroad company, incorporated under the laws of the state, or doing business therein, shall annually, between the first and fifteenth days of April, return to the secretary of state under oath of its treasurer, the amount of the capital stock of the corporation, the number and par value of the shares, and a complete list of its shareholders, with their places of residence, and the number of shares belonging to each on said first day of April. The returns shall also contain a statement of the whole length of its line, the length of its line within the state, and the assessed value in each town of its stations and other property taxed by municipalities.

66 Me. 491; *73 Me. 530; *74 Me. 382; 123 Me. 52.

Sec. 29. Corporations or persons operating railroads to pay annual excise tax; state to pay cities and towns one per cent on stock held therein. R. S. c. 9, § 26. Every corporation, person, or association, operating any railroad in the state under lease or otherwise, shall pay to the treasurer of state, for the use of the state, an annual excise tax, for the privilege of exercising its franchises and

the franchises of its leased roads in the state, which, with the tax provided for in section four of chapter thirteen, is in place of all taxes upon such railroad, its property and stock. There shall be apportioned and paid by the state from the taxes received under this and the five following sections and under section thirty-five, to the several cities and towns in which, on the first day of April in each year, is held railroad stock of either such operating or operated roads exempted from other taxation, an amount equal to one per cent on the value of such stock on that day, as determined by the board of state assessors; provided, however, that the total amount thus apportioned on account of any railroad shall not exceed the sum received by the state as tax on account of such railroad; and provided further, that there shall not be apportioned on account of any railroad and its several parts, if any, operated by lease or otherwise, a greater part of the whole tax received from such railroad and its several parts, than the proportion which the amount of capital stock of such railroad and its several parts owned in this state bears to the whole amount of the capital stock of said railroad and its several parts.

66 Me. 492, 514; *74 Me. 382; 78 Me. 93; 97 Me. 269; *103 Me. 428; 123 Me. 48;

*125 Me. 359.

Sec. 30. Amount of tax on railroads, how ascertained. R. S. c. 9, § 27. 1917, c. 42. 1927, c. 27. The amount of such annual excise tax shall be ascertained as follows:—The amount of the gross transportation receipts as returned to the public utilities commission for the year ended on the thirty-first day of December preceding the levying of such tax shall be compared with the net railway operating income for that year as returned to the public utilities commission; when the net railway operating income does not exceed ten per cent. of the gross transportation receipts the tax shall be an amount equal to three and one-half per cent. of such gross transportation receipts; when the net railway operating income exceeds ten per cent. of the gross transportation receipts but does not exceed fifteen per cent., the tax shall be an amount equal to four per cent. of the gross transportation receipts; when the net railway operating income exceeds fifteen per cent. of the gross transportation receipts but does not exceed twenty per cent., the tax shall be an amount equal to four and one-half per cent. of such gross transportation receipts; when the net railway operating income exceeds twenty per cent. of the gross transportation receipts but does not exceed twenty-five per cent., the tax shall be an amount equal to five per cent. of such gross transportation receipts; when the net railway operating income exceeds twenty-five per cent. of the gross transportation receipts, the tax shall be an amount equal to five and one-half per cent. of such gross transportation receipts; provided, however, that in the case of railroads operating not over fifty miles of road, the tax shall not exceed two per cent. of the gross transportation receipts; and provided further that when the net railway operating income of any narrow gauge railroad located wholly in this state exceeds five per cent. but does not exceed ten per cent. of its gross transportation receipts, the tax on such railroad shall be one-half of one per cent. of its gross transportation receipts; and when the net railway operating income of such railroad exceeds ten per cent. of its gross transportation receipts, the tax shall be one per cent. of its gross transportation receipts; and when the net railway operating income of such a railroad does not exceed five per cent. of its gross transportation receipts, no excise tax shall be assessed upon it. When a railroad lies partly within and partly without the state, or is operated as a part of a line or system extending beyond the state, the tax shall be equal to the same proportion of the gross transportation receipts in the state as herein provided, and its amount shall be determined as follows:

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The gross transportation receipts of such railroad, line or system, as the case may be, over its whole extent, within and without the state, shall be divided by the total number of miles operated to obtain the average gross transportation receipts per mile, and the gross transportation receipts in the state shall be taken to be the average gross transportation receipts per mile multiplied by the number of miles operated within the state, and the net railway operating income within the state shall be similarly determined.

The term "net railway operating income" means the railway operating revenues less the railway operating expenses, tax accruals and uncollectible railway revenues, including in the computation thereof debits and credits arising from equipment rents and joint facility rents. The public utilities commission, after notice and hearing, may determine the accuracy of any returns required of any railroad, and if found inaccurate, may order proper corrections to be made therein.

142 U. S. 217; 97 Me. 269; *102 Me. 202; *123 Me. 48; *125 Me. 350.

Note. The method of computing the tax was changed by the adoption of the present law at the referendum in September, 1928. The decisions above referred to were under the former statute.

Sec. 31. Tax, how fixed; notice to companies. R. S. c. 9, § 28. The board of state assessors, on or before the first day of each April, shall determine the amount of such tax, and report the same to the treasurer of state, who shall forthwith give notice thereof to the corporation, person, or association upon which the tax is levied.

123 Me. 48.

Sec. 32. Time payable. R. S. c. 9, § 29. 1921, c. 71, § 1. 1925, c. 205. Said tax shall be deemed an asset and credit of the state on the fifteenth day of June next after the levy is made and shall be payable one-third on said fifteenth day of June, one-third on the fifteenth day of September, and one-third on the fifteenth day of December next following.

123 Me. 48.

Sec. 33. Aggrieved parties may apply for abatement. R. S. c. 9, § 30. Any corporation, person, or association aggrieved by the action of the board of state assessors in determining the tax, through error or mistake in calculating the same, may apply for abatement of any such excessive tax within the year for which such tax is assessed, and if, upon re-hearing and re-examination, the tax appears to be excessive through such error or mistake, the board of state assessors may thereupon abate such excess, and the amount so abated shall be deducted from any tax due and unpaid, upon the railroad upon which the excessive tax was assessed; or, if there is no such unpaid tax, the governor and council shall draw a warrant for the abatement, to be paid from any money in the treasury not otherwise appropriated.

123 Me. 48.

Sec. 34. Further returns may be required; public utilities commission to have access to books of railroad companies; penalty for refusing to make returns or for making false ones. R. S. c. 9, § 31. If the returns required by law, in relation to railroads, are found insufficient to furnish the basis upon which the tax is to be levied, the public utilities commission shall require such additional facts in the returns as may be found necessary; and, until such returns are so required, or, in default of such returns when required, the board of state assessors shall act upon the best information that they may obtain. The public utilities commission shall have access to the books of railroad companies, to ascertain if the required returns are correctly made; and any railroad corporation, association, or person operating any railroad in the state, which refuses or neg-

lects to make returns required by law or to exhibit to the public utilities commission its books for the purposes aforesaid, or makes returns which the president, clerk, treasurer, or other person certifying to such returns knows to be false, forfeits not less than one thousand, nor more than ten thousand dollars, to be recovered by indictment, or by an action of debt in any county into which the railroad operated extends.

123 Me. 48.

Sec. 35. Taxation of street railroad corporations. R. S. c. 9, § 32. Street railroad corporations and associations are subject to the seven preceding sections and to section four of chapter thirteen, except that the annual excise tax shall be ascertained as follows: When the gross average receipts per mile do not exceed one thousand dollars the tax shall be equal to one-fourth of one per cent on the gross transportation receipts; and for each thousand dollars additional gross receipts per mile, or fractional part thereof, the rate shall be increased one-fourth of one per cent, provided that the rate shall in no case exceed four per cent.

Sec. 36. Taxation of owners of parlor cars. R. S. c. 9, § 33. 1917, c. 210. 1921, c. 71, § 2. Every corporation or person owning or operating parlor or other cars for which extra compensation is charged for riding therein over any of the railroads of the state shall annually, on the fifteenth day of June, pay to the treasurer of state for the use of the state an annual excise tax for the privilege of exercising its franchise in the state, equal to nine per cent of its or his gross receipts from business done wholly in the state, for the year ending May first next preceding.

See § 76.

Sec. 37. Returns to state assessors; tax in place of local taxation. R. S. c. 9, § 34. 1921, c. 71, § 3. Every such corporation or person shall by its properly authorized agent or officer annually on or before the fifteenth day of May, make a return under oath to the board of state assessors, stating the amount of such gross receipts; whereupon the board of state assessors shall on or before the first day of June assess the tax herein provided and forthwith certify the same to the treasurer of state, who shall thereupon notify said corporations or persons; said tax shall be paid into the state treasury on or before the fifteenth day of June following, and, is in place of all local taxation upon the cars and equipment of said corporations or persons used in carrying on business in the state.

Sec. 38. Penalty for neglecting to make return. R. S. c. 9, § 35. Any corporation or person neglecting to make returns according to the preceding section forfeits twenty-five dollars for every day's neglect, to be recovered by action of debt in the name of the state.

Taxation of Telephone and Telegraph Companies.

Sec. 39. Returns of corporations or persons operating telephone or telegraph lines. R. S. c. 9, § 36. Every corporation, association, or person operating in whole or in part a telephone or telegraph line for toll or other compensation within the state shall annually, between the first and fifteenth days of April, return to the secretary of state under oath of its treasurer, if a corporation, the amount of the capital stock of the corporation, the number and par value of the shares, and a complete list of its shareholders resident within the state, with their places of residence, and the number of shares belonging to each on said first day of April; of a person or association, the owner or owners of one of them shall annually make a return under oath to the secretary of state, between the first and fifteenth days of April, of the names and residences of the owner or owners and the relative interest each owner has in any such association on the first day

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of April. The returns shall also contain a statement of the assessed value in each town of the real estate of such corporation, association, or person, used solely for the conduct of a telephone or telegraph business, and taxed by any municipality, and the gross receipts of such corporation, association, or person collected within this state on account of its telephone or telegraph business during the preceding year ending April first.

See § 78; 103 Me. 242.

Sec. 40. State taxation of telephone and telegraph companies; apportionment to cities and towns. R. S. c. 9, § 37. Every corporation, association, or person operating in whole or in part a telephone or telegraph line within the state for tolls or other compensation shall pay to the treasurer of state for the use of the state an annual excise tax for the privilege of conducting such business within the state which tax, with the tax provided for in section forty-five, is in place of all taxes upon the property of such corporation, association, or person employed in such business, and of all taxes upon the shares of the capital stock of any such corporation.

There shall be apportioned and paid by the state from the taxes collected under this section to the several cities and towns in which on the first day of April in each year is held stock of any such corporation, or in which resides the owner or owners of an interest in any telegraph or telephone lines operated by any association or person not a corporation and taxed under this section, an amount equal to one per cent on the value of such stock on that day as determined by the board of state assessors, if a corporation; and if not a corporation, such proportion of the amount of such excise tax paid into the state treasury by the association, person, or persons operating such line as such interest owned by a resident in any such municipality bears to the whole ownership; provided, however, that the total thus apportioned on account of such stock, if a corporation, shall not exceed the sum received by the state as a tax on account of such corporation; and provided further, that there shall not be apportioned on account of any such corporation a greater part of the whole tax received by the state from such corporation than the proportion which the amount of capital stock of such corporation owned in this state bears to the whole amount of the capital stock of such corporation.

See § 78; *73 Me. 525; 103 Me. 242.

Sec. 41. Computation of tax. R. S. c. 9, § 38. The amount of such annual excise tax shall be ascertained as follows: When the gross receipts of such corporation, association, or person collected within this state on account of its telephone or telegraph business during the year for which the tax is assessed on such corporation, association or person exceed one thousand dollars and do not exceed five thousand dollars, the tax shall be one and one-fourth per cent of such gross receipts; when such gross receipts exceed five thousand dollars and do not exceed ten thousand dollars, the tax shall be one and one-half per cent of such gross receipts; when such gross receipts exceed ten thousand dollars and do not exceed twenty thousand dollars, the tax shall be one and three-fourths per cent of such gross receipts; when such gross receipts exceed twenty thousand dollars and do not exceed forty thousand dollars, the tax shall be two per cent of such gross receipts; and so on, increasing the rate of tax one-quarter of one per cent for each additional twenty thousand dollars or fractional part thereof, of such gross receipts, provided that the rate shall in no event exceed six per cent of such gross receipts.

103 Me. 242.

Sec. 42. Tax to be determined and reported to treasurer of state. R. S. c. 9, § 39. The board of state assessors on or before the first day of May annually

shall determine the amount of such tax and report the same to the treasurer of state, who shall forthwith give notice thereof to the corporation, association, or person upon which the tax is levied.

103 Me. 242.

Sec. 43. Payment of tax; lien. R. S. c. 9, § 40. 1921, c. 71, § 4. Said tax shall be paid to the treasurer on or before the fifteenth day of June annually. Said tax shall be a lien on the property of such corporation, and on its franchise, and upon the property used in operating a telephone or telegraph business by any such association or person, and takes precedence over all other liens.

See § 78; 103 Me. 242.

Sec. 44. Books of corporations to be open to assessors; penalty for refusing to make returns. R. S. c. 9, § 41. The board of state assessors, or their duly authorized agent, shall have access to the books of any such corporation, association, or person, to ascertain if the required returns are correctly made; and any corporation, association, or person operating any telegraph or telephone line in this state and refusing or neglecting to make the returns required by law or to exhibit to the board of state assessors, or to their duly authorized agent therefor, its or his books for the purpose aforesaid, or making returns which the president, clerk, treasurer, or other person certifying such returns knows to be false, shall forfeit not less than one thousand, nor more than ten thousand dollars, to be recovered by indictment or by action of debt in any county into which the said telegraph or telephone lines extend.

103 Me. 242.

Sec. 45. Tax to be in lieu of all taxes. R. S. c. 9, § 42. The excise tax collected under the six preceding sections shall be in lieu of all taxes upon any corporation therein designated, upon its shares of capital stock, and its property; provided, however, that the land and buildings thereon owned by such corporation, association, or person shall be taxed in the municipality in which the same is situated. The assessment of taxes on such land and buildings shall be legal, whether assessed as resident or non-resident property.

103 Me. 242, 428.

Taxation of Express Companies.

Sec. 46. Companies and persons doing express business to apply annually for license and to pay tax. R. S. c. 9, § 43. Every corporation, company, or person doing express business on any railroad, steamboat, or vessel in the state, shall, annually, before the first day of May, apply to the treasurer of state for a license authorizing the carrying on of said business and any such corporation, company, or person, neglecting to make application as aforesaid, forfeits fifty dollars, to be recovered by action of debt in the name of the state; every such corporation, company or person shall annually pay to the treasurer of state four per cent of the gross receipts of said business for the year ending on the first day of April preceding. Said four per cent shall be on all business done in the state, including a proportional part on all express business coming from other states or countries into this state, and all going from this state to other states or countries, provided, however, that nothing herein applies to goods or merchandise in transit through the state.

*100 Me. 278; 103 Me. 428.

Sec. 47. Annual return to board of state assessors; assessment of tax. R. S. c. 9, § 44. 1921, c. 71, § 5. Every such corporation, company, or person, shall, by its properly authorized agent or officer, annually, on or before the first day of May make a return under oath to the board of state assessors, stating the amount of said receipts for all express matter carried within the state as speci-

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fied in the preceding section; whereupon, the board of state assessors shall, on or before the fifteenth day of May following, assess the tax therein provided, and forthwith certify the same to the treasurer of state, who shall thereupon notify said corporations, companies, or persons, and said taxes shall be paid into the state treasury on or before the fifteenth day of June following.

See § 78; 100 Me. 278.

Sec. 48. State tax is in place of local taxation. R. S. c. 9, § 45. The taxes assessed upon express corporations, companies, and persons as aforesaid is in place of all local taxation, except that real estate owned by such corporations, companies, or persons shall be taxed in the municipality where the same is situated, as non-resident real estate.

100 Me. 278; 103 Me. 428.

Sec. 49. Penalty for neglect to make return. R. S. c. 9, § 46. Any corporation, company, or person neglecting to make returns according to section forty-seven forfeits twenty-five dollars for every day's neglect, to be recovered by action of debt in the name of the state.

100 Me. 278; 103 Me. 428.

Taxation of Insurance Companies.

Sec. 50. Life insurance companies to be taxed on real estate, premiums, and surplus. R. S. c. 9, § 47. Every life insurance company or association, organized under the laws of this state, in lieu of all other taxation, shall be taxed as follows: First, its real estate shall be taxed by the municipality in which such real estate is situated, in the same manner as other real estate is taxed therein. Second, it shall pay a tax of two per cent upon all premiums, whether in cash or notes absolutely payable, received from residents of this state during the year preceding the assessment, as hereinafter provided, first deducting therefrom all dividends paid to policyholders in this state on account of said premiums. Third, it shall pay a tax of one-half of one per cent a year on its surplus, computed according to the laws of this state, after deducting the value of its real estate in this state, as fixed in determining such surplus; said surplus shall be determined by the insurance commissioner, and his certificate thereof to the treasurer of state shall be final.

79 Me. 231; 103 Me. 428.

Sec. 51. To return to insurance commissioner statement of premiums liable to taxation. R. S. c. 9, § 48. Every such company shall include in its annual return to the insurance commissioner a statement of the amount of premiums liable to taxation as provided in the preceding section, and of the real estate held by it on the thirty-first day of the previous December, showing in detail the amount of all premiums whether in cash or notes absolutely payable, received by said company from residents of this state during the year preceding the assessment, and all dividends paid to policyholders in this state on account of said premiums as required by blanks furnished by the commissioner. The tax provided by the preceding section shall be assessed and paid as provided in section fifty-nine, and said section and section fifty-six shall be applicable thereto.

See c. 59, § 91.

Sec. 52. Foreign insurance companies to pay tax on premiums. R. S. c. 9, § 49. Every insurance company or association which does business or collects premiums or assessments in the state, except those mentioned in sections fifty and fifty-five including surety companies and companies engaged in the business of credit insurance or title insurance, shall, as hereinafter provided, annually pay a tax upon all premiums received, whether in cash or in notes absolutely payable, on contracts made in the state for insurance of life, property, or interest

therein, at the rate of one and one-half per cent a year; provided, however, that no tax shall be required on account of any premium paid or assessment levied on policies of insurance issued on farm property.

Sec. 53. Amount of tax, how determined. R. S. c. 9, § 50. In determining the amount of tax due under the preceding section, there shall be deducted by each company from the full amount of premiums received, the amount of all return premiums on policies canceled, the amount of all premiums paid to companies authorized to transact business in this state for reinsurance of risks in the state, and the tax shall be computed on the amount thus actually received by said companies or their agents as aforesaid.

Sec. 54. Such companies to make returns. R. S. c. 9, § 51. Every company or association which by the two preceding sections is required to pay a tax shall, on or before the thirty-first day of each January, make a return under oath to the insurance commissioner, stating the amount of all premiums received by said company, either in cash or notes absolutely payable, during the year ending on the thirty-first day of December previous, the amount of return premiums on policies canceled during the year, the amount of all premiums paid to or received from other companies during the year for insurance or reinsurance of risks in this state; the names of the companies with which such insurance or reinsurance was affected; the amount of the policies and the premiums on the same.

See c. 59, § 91.

Sec. 55. Tax on mutual fire insurance companies transacting mill insurance; to make return to insurance commissioner. R. S. c. 9, § 52. Mutual fire insurance companies incorporated under the laws of other states, which insure only factories, or mills, or property connected with such factories or mills, admitted to do business in this state shall comply with all the requirements of law except that in lieu of all other taxation upon premiums in this state, such companies shall annually pay a tax at the rate of two per cent on gross premiums in force on risks in this state, after deducting the unabsorbed portion of such premium, computed at the rate of return actually made on annual policies expiring during the year by said insurance companies. Such companies shall, on or before the thirty-first day of each January, make a return, under oath, to the insurance commissioner, showing the gross premiums in force on risks in this state on the thirty-first day of December previous and the unabsorbed portion of such premiums computed at the rate of return actually made on annual policies expiring during the year, by said insurance companies.

See c. 59, § 104.

Sec. 56. Neglecting to make return, how to be assessed; failing to pay, forbidden to do business in state. R. S. c. 9, § 53. If any insurance company or association refuses or neglects to make the return required by the two preceding sections, the board of state assessors shall make such assessment on such company or association as they deem just, and unless the same is paid on demand, such company or association shall do no more business in the state, and the insurance commissioner shall give notice accordingly. Whoever, after such notice, does business in the state for such company or association is liable to the penalty provided in section one hundred and twenty-one of chapter fifty-nine.

Sec. 57. Ratio of tax on certain foreign insurance companies; return and assessment of tax. R. S. c. 9, § 54. Any insurance company incorporated by a state or country whose laws impose upon insurance companies chartered by this state any greater tax than is herein provided shall pay the same tax upon business done by it in this state, in place of the tax above provided; and the insurance commissioner may require the return upon which such tax may be assessed to be made to him, and the board of state assessors may assess such tax; and if

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it is not paid as provided in section fifty-nine, the insurance commissioner shall suspend the right of said company to do business in this state.

Sec. 58. Tax on reciprocal contracts of indemnity; return to insurance commissioner. R. S. c. 9, § 55. Every attorney, agent, or other representative by or through whom are issued policies or contracts of indemnity of the kind referred to in sections ninety-five to one hundred and two, both inclusive, of chapter fifty-nine, in lieu of all other taxation, state, county, or municipal, in this state, shall annually pay a tax at the rate of two per cent on gross premiums or deposits actually received during the year after deducting amounts actually returned to policy-holders as the unused part of such premium or deposit, or such part as may be credited on the renewal or extension of the indemnity. Such attorney, agent, or other representative shall, on or before the thirty-first day of each January, make a return, under oath, to the insurance commissioner showing the gross premiums or deposits actually received during the preceding calendar year and such unused part of such premium or deposit as has been returned to policy-holders or credited on renewal or extension of the indemnity.

Sec. 59. Assessment of tax; notice; suspension for non-payment. R. S. c. 9, § 56. The taxes imposed by sections fifty-two, fifty-five and fifty-eight respectively shall be assessed by the board of state assessors, upon the certificate of the insurance commissioner, to be seasonably furnished therefor, and certified to the treasurer of state, on or before the first day of April, and the same shall be paid on or before the first day of May following. The treasurer shall notify the several companies, and the agent, attorney, or other representative mentioned in the preceding section, and unless the tax is paid as aforesaid, the commissioner shall suspend the right of the company, agent, attorney, or other representative to do any further business in the state until the tax is paid.

See c. 59, § 91.

Sec. 60. Taxation of business done with unauthorized companies; rate; exception. R. S. c. 9, § 57. All persons, companies, associations, or corporations, residing or doing business in this state, that enter into any agreements with an insurance company, association, individual, firm, underwriter, or Lloyd, not authorized to do business in this state, whereby said person, company, association or corporation shall enter into contracts of insurance against loss or damage by fire or lightning covering risks or property within this state, with said unauthorized association, individual, firm, underwriter, or Lloyd, for which a premium is charged or collected, shall, annually on the first day of December or within ten days thereafter, return to the insurance commissioner of this state a statement under oath for the twelve months preceding on policies or contracts of insurance or indemnity taken by the said person, company, association, or corporation. Such statement shall show the amount of insurance and the gross premiums paid to each stock company for insurance during the period covered by such statement, and there may be deducted from the gross premiums any premiums returned to the insured on policies canceled where such policies have been issued during the term covered by the statement, or premiums returned on policies canceled where such original premiums have been previously taxed under this section; or if the insurance or indemnity is with a mutual company or association or individual or through an attorney for individuals, partnerships or corporations, or firm or Lloyds, such statement shall show the amount of insurance or indemnity and gross premium or deposit or payment made to secure such insurance or indemnity and from said gross premium or deposit or payment there may be deducted any premiums returned to the insured on policies canceled where such policies have been issued during the term covered by the statement or premiums returned on policies canceled where such original premiums have

been previously taxed under this section. The insurance commissioner shall give notice to each person, company, association, or corporation filing such return of the amount of his tax, computed at two and one-half per cent of the gross premium or deposit or payment made to secure the insurance or indemnity, and said tax shall be payable to the treasurer of state on or before the thirty-first day of December following; provided, however, that this section shall not be construed as extending to fraternal beneficiary associations, or members thereof; nor to mutual church insurance companies conducted for the protection of properties used in the service of religious denominations, or members thereof; nor to marine insurance; nor shall any provision of this section be construed as extending to insurance in unauthorized companies, written by special insurance brokers, under section one hundred and twenty-five of chapter fifty-nine.

Sec. 61. Penalty for refusing to make returns; action to recover tax. R. S. c. 9, § 58. Any person, company, association, or corporation failing or refusing to make the report required in section sixty and to furnish all the data and information that may be required by the insurance commissioner to determine the amount due shall be deemed guilty of a misdemeanor and upon conviction be fined not less than one hundred, nor more than five hundred dollars for each offense. Any person, company, association, or corporation failing or refusing to pay the tax required by section sixty shall be liable for such tax in an action of debt to be brought in the name of the state in the supreme judicial court in any county where such person, company, association, or corporation has a residence or place of business. Such action shall be prosecuted by the various county attorneys at the request of the treasurer of state.

Taxation of Savings Banks.

Sec. 62. Return of assets, loans, investments, and deposits; bank commissioner to fix market values and return to state assessors. R. S. c. 9, § 59. 1923, c. 144, § 136. Every savings bank and institution for savings incorporated under the laws of the state, shall, semi-annually, on the last Saturdays of March and September, make a return, signed and sworn to by its treasurer, of the average amount of its deposits, reserve fund and undivided profits for the six months ending on each of said days, together with a statement in detail of its assets, loans, and investments, and its deposits within and without the state, in separate columns. Such return shall also include a statement of the par value, cost to the bank and the book value of each item of assets claimed to be deductible under the provisions of the following section. Said return shall be made to the bank commissioner on or before the first Saturdays of April and October, and within thirty days thereafter, he shall fix and determine the book values of the investments aforesaid and transmit the same with such values so determined to the board of state assessors for the assessment required by the following section.

66 Me. 243; 68 Me. 517, 519.

Sec. 63. State assessors to determine value of the several franchises, and assess tax; rate; when payable. R. S. c. 9, §§ 60, 61. 1919, cc. 156, 221. 1923, c. 168. The board of state assessors shall thereupon determine the values of the several franchises of the said banks and institutions according to the following rule: from the average amount of deposits, reserve fund, and undivided profits so returned by each bank or institution there shall in each case be deducted an amount equal to the value so determined of United States obligations, all bonds, notes and other obligations issued after the first day of February, nineteen hundred and nine, by this state, or any county, municipality, village corporation,

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light and power district or water district therein, all shares of stock of any trust companies or national banks located and doing business in this state, and all such shares of stock in other corporations as are by law of this state free from taxation to the stockholders, investments in such notes and bonds secured by mortgages on real estate in this state as are exempt from taxation in the hands of individuals and the assessed value of real estate owned by the bank or institution, and also an amount equal to three-fifths of the value so determined of such other assets, loans, and investments as by such statement appear to be loans to persons resident of corporations located and doing business in this state, securities of this state, public or private, bonds issued by corporations located and doing business in this state or guaranteed by such corporations, provided, the corporations issuing such bonds be operated by and physically connected with such guaranteeing corporations, and also an amount equal to three-fifths of the cash on hand and cash deposited within the state. Upon the value of each of said franchises so ascertained the board of state assessors shall assess an annual tax of one-half of one per cent; one-half of said tax to be assessed on or before the fifteenth day of May, and one-half on or before the fifteenth day of November. The board of state assessors shall thereupon certify said assessments to the treasurer of state, who shall forthwith notify the several banks and institutions interested. All taxes so assessed shall be paid semi-annually within ten days after the fifteenth days of May and November.

See § 75; c. 19, § 189.

Sec. 64. Deposits exempt from municipal taxation; but not land held by bank. R. S. c. 9, § 62. All deposits in savings banks in the state are exempt from municipal taxation to the bank or to the depositor, but real estate owned by the bank, not held as collateral security, may be taxed by the town in which the same is located.

*103 Me. 428.

Sec. 65. Return of bank stock pledged as collateral. R. S. c. 9, § 63. Treasurers of savings banks, on the first day of each April, shall return to the assessors of towns where persons reside who own bank stock which is pledged or transferred to said bank as collateral security for loans the names of persons pledging or transferring such stock and the amount of the same; and stock so pledged or transferred by persons residing out of the state shall be returned by such treasurers in the same manner to the assessors of the town in which the bank whose stock is so pledged or transferred is located. For the purpose of taxation, bank stock so pledged or transferred shall be deemed the property of the persons so pledging or transferring it.

Taxation of loan and building associations.

Sec. 66. Required to make semi-annual returns to state assessors; penalty for false return; rate of taxation. R. S. c. 9, § 64. Every loan and building association doing business in this state shall semi-annually on the last secular days of March and September make a return, signed and sworn to by its secretary, of its assets and liabilities in detail, of the net amount of its investments other than in loans to individuals or corporations on real estate and on shares of the association, during the six months ending on each of said days, and of the monthly capital dues paid in by its shareholders during the six months ending on each of said days, exclusive of withdrawals, fines, interest, and premiums. Said returns shall be made to the board of state assessors on or before the second Mondays of April and October, and for wilfully making a false return, the secretary forfeits not less than five hundred dollars nor more than five thousand

dollars. The treasurer of such association shall pay to the treasurer of state a tax of one-fourth of one per cent a year on the amount of monthly capital dues so returned, and a further tax of one-half of one per cent on the average amount so returned of the investments of such associations other than in loans to individuals and corporations on real estate and on shares of the association.

Sec. 67. Taxes, how assessed. R. S. c. 9, § 65. One-half of said tax shall be assessed on the amount so returned for the six months ending on the last secular day in March and the other half on the amount so returned for the six months ending on the last secular day in September; and such tax shall be paid semi-annually, within ten days after the first Mondays in May and November.

Sec. 68. Capital dues exempt from taxation. R. S. c. 9, § 66. All capital dues of such associations are exempt from municipal taxation to the association or to the shareholder, but real estate owned by the association, not held as collateral security, may be taxed by the town in which the same is located.

Taxation of Foreign Banking Associations and Corporations.

Sec. 69. Foreign banking corporations doing business in this state, required to pay a tax; rate; amount of business, how ascertained; when payable. R. S. c. 9, § 67. Every banking association or corporation, not incorporated under the laws of this state or of the United States, that maintains a branch or agency in this state for the transaction of a banking business, shall pay to the treasurer of state a tax of three-quarters of one per cent a year on the amount of such business done in this state. One-half of said tax shall be paid on the amount of such business for the six months ending on the last Saturday of March, and the other half on the amount for the six months ending on the last Saturday of September, or for such portion of such periods as said association or corporation may transact business in this state. The amount of such business done in this state shall be ascertained by first computing the daily average for each month of the period of all the moneys outstanding upon loans and investments and of all other moneys received, used, or employed in connection with such business, and by then dividing the aggregate of such monthly averages by the number of months covered by said return; and the quotient resulting shall be deemed the amount of such business. The amount of such tax so ascertained shall be paid to the treasurer of state semi-annually within ten days after the first Mondays in May and November.

Sec. 70. Report to bank commissioner of amount of business transacted, etc. R. S. c. 9, § 68. Such association or corporation and the manager or agent of such branch or agency shall cause a written report to be made to the bank commissioner on or before the last Saturdays of April and October of each year, verified by the oath of such manager or agent, giving the amount of such business transacted in this state under the rule given in the preceding section, and stating the amount of state tax which such branch or agency is liable to pay, and setting forth in detail the daily average for each month preceding the last Saturdays of March and September; and also giving such further or additional information as to the business of such foreign banking association or corporation done in this state as may be required by the bank commissioner.

Sec. 71. To keep account of money used and deposits made. R. S. c. 9, § 69. Every such banking association or corporation and its managers, agents, and employees shall cause to be kept at all times in the office where such business is transacted in this state a full and accurate account of the moneys used or employed in such business and of the deposits therein, and such account together with the books, papers, and records relating to the business done in this state

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shall be subject to the inspection and examination of the bank commissioner, or of any clerk designated by him, during business hours of any day on which business may legally be transacted.

Sec. 72. Penalty for violation. R. S. c. 9, § 70. Except as hereinbefore provided, no banking association, unless incorporated under the laws of this state or of the United States, shall maintain any branch or agency in this state for the transaction of banking business. Any officer, agent, or employee of such association or corporation doing business in this state contrary to the provisions of the three preceding sections shall be subject to a penalty of not less than one hundred, nor more than five hundred dollars for each offence, to be recovered by indictment to the use of the state.

Taxation of Trust and Banking Companies.

Sec. 73. Trust and banking companies to semi-annually return the amount of certain deposits; penalty for false returns; valuation of securities. R. S. c. 9, § 71. 1923, c. 144, § 137. Every trust and banking company incorporated under the laws of this state shall, semi-annually on the last Saturdays of March and September, make a return signed and sworn to by its treasurer, of the average amount of its time deposits and its deposits bearing interest at the rate of three per cent or more per annum for the six months preceding each of said dates, together with a statement in detail of the amount of United States obligations, all bonds, notes, and other obligations issued after the first day of February, nineteen hundred and nine, by this state or any county, municipality, village corporation, light and power district, bridge district, pier site district, school district, or water district therein, the shares of corporation stocks such as are by law of this state free from taxation to the stockholders, and such notes and bonds secured by mortgages on real estate in this state as are exempt from taxation in the hands of individuals. Such return shall also include a statement of the par value, cost to the bank and the book value of each item of such assets. For wilfully making a false return, the treasurer of the corporation forfeits not less than five hundred, nor more than five thousand dollars. Said return shall be made to the bank commissioner, on or before the first Saturdays of April and October, and within thirty days thereafter, he shall fix and determine the cost to such company of the investments aforesaid, and transmit said returns with such cost so determined to the board of state assessors for the assessment required by the following section.

Sec. 74. Assessment of tax; when payable. R. S. c. 9, §§ 72, 73. 1919, c. 221, § 3. 1923, c. 144, § 138. The board of state assessors shall thereupon deduct from the average amount of the time and interest-bearing deposits so returned, an amount equal to the cost so determined of all the assets specially returned under the provisions of the preceding section and also an amount equal to the value so determined of investments in such notes and bonds secured by mortgages on real estate in this state as are exempt from taxation in the hands of individuals, and upon the balance so found, assess an annual tax of one-half of one per cent; one-half of said tax shall be assessed on or before the fifteenth day of May on the balance of said deposits so ascertained for the six months ending on and including the last Saturday of March, and one-half on or before the fifteenth day of November on the balance of said deposits so ascertained for the six months ending on and including the last Saturday of September. The board of state assessors shall thereupon certify said assessment to the treasurer of state, who shall forthwith notify the several trust and banking companies in-

terested, and all taxes so assessed shall be paid semi-annually within ten days after the fifteenth days of May and November.

Sec. 75. Exemption from municipal taxation. R. S. c. 9, § 74. All deposits designated in section seventy-three are exempt from municipal taxation to the company or the depositor.

103 Me. 428.

Sec. 76. Proceedings in case of failure to make returns and pay tax. R. S. c. 9, § 75. If any corporation, company, or person fails to make the returns required by sections thirty-seven, thirty-nine, forty-seven, sixty-six, and seventy-three, the board of state assessors shall make an assessment of a state tax upon such corporation, company, or person on such valuation, or on such gross receipts thereof, as the case may be, as they think just, with such evidence as they may obtain, and such assessment shall be final. If any corporation, company, association, or person fails to pay the taxes required or imposed by sections twenty-nine, thirty-six, forty, forty-six, sixty-three, sixty-seven, and seventy-four, the treasurer of state shall forthwith commence an action of debt, in the name of the state, for the recovery of the same with interest at the rate of ten per cent a year. In addition to other remedies for the collection of state taxes upon any corporation, such taxes with interest at the rate of ten per cent a year may be recovered by an action of debt, in the name of the state.

See c. 94, § 15; 68 Me. 517, 519; *86 Me. 495.

Note. As to penalties for failure to make returns upon which the franchise tax imposed by section twenty-one may be assessed, see c. 55, § 28; for failure to make returns under which the taxes imposed upon railroad companies under section thirty may be assessed, see c. 61, §§ 76, 77; for failure to make the returns of insurance companies under which the tax imposed by sections fifty and fifty-nine may be assessed, see c. 59, § 91.

Taxation of Shares of Stock of Trust and Banking Companies.

Sec. 77. Trust companies and banking institutions to file list of stockholders and inventory of real estate and other taxable property, together with memorandum of assessed value. 1921, c. 197, § 1. On or before April fifteenth of each year, the treasurer of every trust company organized under the laws of this state, and the cashier of every banking institution formed under the laws of the United States shall send to the state assessors a certified list of all stockholders and their residences, showing the number of shares owned by each on the first day of April, together with the value of the real estate, vaults, and safe deposit plant, owned by each trust company or banking institution which is taxed as other real estate is taxed in the town in which it is located and the amount for which said real estate, vaults, and safe deposit plant was valued by the assessors of such municipality for the year previous.

Sec. 78. State assessors to assess a tax of fifteen mills on stock of trust companies and banking institutions; to pay the tax to state treasurer and may collect same from stockholders; appeal. 1921, c. 197, § 2. The board of state assessors shall thereupon determine the value of said shares of stock and deduct therefrom the proportionate part of the assessed value of such real estate, vaults, and safe deposit plant. Upon the value of said shares so determined after making said deductions, the board of state assessors shall assess an annual tax of fifteen mills for each dollar of such assessed value so determined, and shall, on or before the first day of June, certify said assessments to the treasurer of state, who shall forthwith notify said trust companies and banking institutions. All taxes so assessed shall be paid by said trust companies and banking institutions to the treasurer of state, on or before the first day of July, and said tax shall be in lieu of all municipal or other taxes upon said stock, and said trust

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companies and banking institutions may charge the tax so paid pro rata to the individual stockholders thereof.

Any party in interest aggrieved by the valuation of the shares of any trust company or banking institution made by the board of state assessors may claim an appeal to the supreme judicial court at any time before said first day of July. Such appeal shall be filed in the office of the clerk of said court in the county where such trust company or banking institution is located, and shall be heard and determined at the next term thereof held after said date. Notice and hearing of such appeal shall be given and held in the manner provided by section eighty-one of chapter thirteen of the revised statutes. The decision of the court upon such appeal shall be certified by the clerk to the board of state assessors who shall thereupon assess a tax of fifteen mills upon the valuation of such shares as fixed by the court, and shall forthwith certify such assessment to the treasurer of state who shall give notice thereof to the trust company or banking institution whose shares are affected thereby, and the tax so assessed with interest at six per cent from July first of the year for which the tax is assessed shall be paid to the treasurer of state within thirty days thereafter.

Sec. 79. Tax against shares of non-resident holders to be returned to municipality where trust company or banking institution is located; tax of resident share holders to be returned to municipality where share holder resides. 1921, c. 197, § 3. The tax so assessed upon the shares of non-resident stockholders of such trust company or banking institution shall be returned by the treasurer of state, on or before the first day of August, to the municipality in which such trust company or banking institution is located; and the tax so assessed upon the shares of resident stockholders of such trust company or banking institution shall be returned by the treasurer of state, on or before the first day of August, to the municipality in which such stockholders reside.

Tax on Gasoline.

Sec. 80. Terms defined. 1923, c. 224, § 1. The terms used in sections eighty to ninety shall be construed as follows: "Internal combustion engine" shall mean any engine operated by explosion or quick burning therein of gasoline, benzol, or other product except kerosene. "Internal combustion engine fuel" shall mean motor fuel commonly called and known as gasoline, benzol, or other product except kerosene and crude oil to be used in the operation of an internal combustion engine. "Distributor" shall mean any person, association of persons, firm, or corporation, wherever resident or located, who imports or causes to be imported for sale or for his or its own use (with the exception hereinafter set forth) any internal combustion engine fuels as herein defined for use in this state after it reaches this state; and also any person, association of persons, firm or corporation who produces, refines, manufactures or compounds internal combustion engine fuels as herein defined within the state.

Sec. 81. Excise tax of four cents; three cents of tax on fuels used for motor boats, agricultural tractors, stationary engines, or arts to be refunded. 1923, c. 224, § 2. 1925, c. 212, § 1. 1927, c. 251, § 1. There is hereby levied and imposed an excise tax of four cents per gallon upon said internal combustion engine fuels sold within this state and for the uses defined in these sections, excepting, however, such internal combustion engine fuels in such form and under such circumstances as shall preclude the collection of this tax from the distributor by reason of the provisions of the laws of the United States, or sold wholly for exportation from the state, provided that three cents of the tax so paid and no more, upon such internal combustion engine fuels sold for exclusive

use in motor boats, tractors used for agricultural purposes not operating on public ways or in such vehicles as run only on rails or tracks, or sold for use in stationary engines, or sold for use in the mechanical or industrial arts, shall be refunded as hereinafter provided.

Sec. 82. Distributors to file certificate with state auditor; contents of certificate; distributor not to sell or distribute fuels until certificate is filed. 1923, c. 224, § 3. Every distributor of such internal combustion engine fuel in the state shall file a duly acknowledged certificate with the state auditor on forms prescribed and furnished by the auditor, which shall contain the name under which such distributor is transacting business within the state, the place or places of business, and location of distributing stations, and agencies of the distributor, the names and addresses of the several persons constituting the firm or partnership, and if a corporation its corporate name, and the names and addresses of its principal officers and agents within the state. No distributor as herein defined shall sell or distribute any such internal combustion engine fuels until such certificate is furnished as required by this section.

Sec. 83. Fuels distributed to branch agencies subject to requirements of act. 1923, c. 224, § 4. All internal combustion engine fuels as defined in these sections distributed by the distributors to their branch agencies throughout the state shall be deemed to have been sold and shall be subject to the requirements of sections eighty to ninety in every respect.

Sec. 84. Distributor entitled to collect three cents additional. 1923, c. 224, § 5. 1925, c. 212, § 2. Each distributor paying or becoming liable to pay the tax imposed by sections eighty to ninety shall be entitled to charge and collect three cents per gallon only as a part of the selling price of the internal combustion engine fuels subject to the tax.

Note: The increase of one cent in chapter 251 of the Public Laws of 1927 does not seem to have been passed along to the consumer.

Sec. 85. Report of sales to be made on 15th of each month for preceding month; tax to be paid on or before first day of month succeeding filing of report; auditor to submit statement to state treasurer of taxes due. 1923, c. 224, § 6. 1925, c. 212, § 3. Every distributor shall, on or before the fifteenth day of each month, render a report to the state auditor stating the number of gallons of internal combustion engine fuels received, sold, and used in the state by him during the preceding calendar month on forms to be furnished by said auditor: and said report shall contain such further information pertinent thereto as said auditor shall prescribe. On or before the first day of the calendar month succeeding the filing of said report each distributor shall pay to the treasurer of state a tax of three cents per gallon upon each gallon so reported as sold or distributed. On or before the first day of each calendar month the state auditor shall transmit to the treasurer of state such information as shall show all taxes due from each distributor under the provisions of sections eighty to ninety.

Note: In this section also the proper amendment was not made in c. 251 of 1927, changing the amount from three to four cents.

Sec. 86. Persons receiving fuels in manner to preclude collection of tax in first instance may become liable for payment of tax if afterwards sold. 1923, c. 224, § 7. Whoever shall receive any such internal combustion engine fuels in such form and under such circumstances as shall preclude the collection of this tax from the distributors by reason of the provisions of the laws of the United States, and shall thereafter sell or use any such internal combustion engine fuels in such manner and under such circumstances as may subject such sale or use to the taxing power of this state, such person shall be considered as

a distributor and shall make the same reports, pay the same taxes, and be subject to all other provisions of sections eighty to ninety relating to distributors or internal combustion engine fuels.

Sec. 87. Application of taxes collected. 1923, c. 224, § 8. 1925, c. 212, § 4. 1927, c. 251, § 2. All moneys received through the provisions of sections eighty to ninety by the treasurer of state shall be appropriated and used in the following manner, namely: eighteen and three-quarters per cent thereof for the maintenance of state and state aid highways, interstate, intrastate, and international bridges; twelve and one-half per cent thereof shall be added to the balance of the fund for the construction of third class highways; twenty-five per cent thereof shall be added to the fund for construction of state aid highways, it being the intention of the legislature to make this appropriation available for the fiscal year of nineteen hundred and twenty-eight; forty-three and three-quarters per cent thereof shall be used for the construction or reconstruction of state highways. Any unexpended balances from the above apportionments shall not lapse but shall be carried forward to the same fund for the next fiscal year, except that any balance of the appropriation herein made for the construction of state aid highways, after allotments in full as applied for by the towns have been made yearly, shall be added to the fund for construction of third class highways. If the moneys, provided for by this section, have not been collected or for any reason are not available for the purposes herein specified, the governor and council may issue their warrant to the treasurer of state authorizing him to advance and pay from any moneys then in the treasury not otherwise appropriated, such sums of money as they may deem necessary to carry on the construction and maintenance of highways and bridges, until such time as said moneys shall become available for said purposes, at which time all necessary adjustments may be made on the books of the state auditor and state treasurer.

Sec. 88. Unconstitutionality of any section or provision not to affect other provisions of sections 80-90. 1923, c. 224, § 9. In case any section or provision of sections eighty to ninety, both inclusive, shall be questioned in any court, and shall be held unconstitutional or invalid, the same shall not be held to affect any other provision or section of the said sections.

Sec. 89. Penalty for false returns or violations of provisions; tax may be collected by civil action. 1923, c. 224, § 10. Any distributor of such internal combustion engine fuels who shall make any false or fraudulent report or return required by sections eighty to ninety, or who shall evade or violate any other provisions of said sections, shall be fined not more than two thousand dollars. Whenever any distributor shall fail to pay any tax due under the provisions of said sections within the time limited herein, the attorney general shall enforce payment of such tax by civil action against such distributor for the amount of such tax in a court of appropriate jurisdiction.

Sec. 90. Provision for refund of three-fourths of tax collected in certain instances; procedure for obtaining refund; time limit for filing application for refund. 1925, c. 212, § 5. 1927, c. 251, § 3. Any person, firm, or corporation who shall buy and use any internal combustion engine fuel as defined in sections eighty to ninety for the purpose of operating or propelling motor boats, tractors used for agricultural purposes not operating on public ways, or in such vehicles as run only on rails or tracks, or in stationary engines, or in the mechanical or industrial arts, or for any other commercial use except in motor vehicles operated or intended to be operated upon any of the public highways of the state of Maine, and who shall have paid any tax on internal combustion engine fuel levied or directed to be paid as provided by sections eighty to ninety, either

directly by the collection of such tax by the vendor from such consumer, or indirectly by adding the amount of such tax to the price of such fuel and paid by such consumer, shall be reimbursed and repaid to the extent of three-fourths of the amount of such tax paid by him upon presenting to the state auditor an affidavit accompanied by the original invoices showing such purchases, which affidavit shall be verified by the oath of such affiant, and shall state the total amount of such fuel so purchased and used by such consumer other than in motor vehicles operated or intended to be operated upon any of the public highways of the state, and the governor and council, upon the presentation of such affidavit and such vouchers, approved by the state auditor, shall cause to be repaid to such consumer from the taxes collected on internal combustion engine fuels three-fourths of the said taxes so paid by such consumer on fuels purchased and used, other than for motor vehicles as aforesaid; provided, that applications for refunds as provided herein must be filed with the state auditor within six months from the date of purchase of invoice.

CHAPTER 13.

The Assessment of Taxes.

Sections	1- 39	General Provisions Respecting Taxation.
Section	40	Personal Liability of Assessors.
Sections	41- 50	Assessment on Lands in Places not Incorporated.
Sections	51- 57	Timber and Grass on Reserved Lands.
Sections	58- 65	Assessment of Taxes for Building and Repair of Roads in Unincorporated Places.
Sections	66- 68	State Tax Sales.
Sections	69-100	Assessment of Taxes in Incorporated Places.
Sections	101-107	Assessment of Taxes in Plantations.

General Provisions Respecting Taxation.

Sec. 1. Poll-tax. R. S. c. 10, § 1. 1921, c. 42. A poll tax shall be assessed upon every male inhabitant of the state above the age of twenty-one years whether a citizen of the United States or an alien, in the manner provided by law unless he is exempted therefrom by this chapter, which said poll tax shall be three dollars.

See § 39; *50 Me. 476; 64 Me. 198; 66 Me. 198.

Sec. 2. Real and personal estate taxable. R. S. c. 10, § 2. All real property within the state, all personal property of inhabitants of the state, and all personal property hereinafter specified of persons not inhabitants of the state is subject to taxation as hereinafter provided.

*37 Me. 371; *60 Me. 198; 74 Me. 284; 77 Me. 530; *103 Me. 425; 105 Me. 217.

Sec. 3. Real estate, for purposes of taxation, what it includes; lien. R. S. c. 10, § 3. 1917, c. 52. Real estate, for the purposes of taxation, except as provided in section six, includes all lands in the state, together with the water power, shore privileges and rights, forest and mineral deposits appertaining thereto, and all buildings erected on or affixed to the same, and all townships and tracts of land, the fee of which has passed from the state since the year eighteen hundred fifty, and all interests in timber upon public lands derived by permits

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granted by the commonwealth of Massachusetts; interest and improvements in land, the fee of which is in the state; and interest by contract or otherwise in land exempt from taxation; also transmission lines of electric light and power companies. There shall be a lien to secure the payment of all taxes legally assessed on real estate as defined in this section, which shall take precedence of all other claims on said real estate and interests, and shall continue in force until said taxes are paid.

Sec. c. 14 §§ 28, 72, 93, 95; 9 Me. 91; *60 Me. 198; *69 Me. 347; 74 Me. 284-5; 78 Me. 97; *85 Me. 331; 86 Me. 77; *105 Me. 217; 108 Me. 125; *115 Me. 402; 120 Me. 471.

Sec. 4. Railroad buildings, etc. subject to municipal tax as non-resident land. R. S. c. 10, § 4. The buildings of every railroad corporation or association, whether within or without the located right of way, and its lands and fixtures outside of its located right of way, are subject to taxation by the cities and towns in which the same are situated, as other property is taxed therein, and shall be regarded as non-resident land.

*60 Me. 198; 123 Me. 48.

Sec. 5. Personal estate taxable. R. S. c. 10, § 5. Personal estate for the purposes of taxation, includes all goods, chattels, moneys, and effects, wheresoever they are; all vessels, at home or abroad; all obligations for money or other property; money at interest, and debts due the persons to be taxed more than they are owing; all public stocks and securities; all shares in moneyed and other corporations within or without the state, except as otherwise provided by law; all annuities payable to the person to be taxed, when the capital of such annuity is not taxed in this state; and all other property, included in the last preceding state valuation for the purposes of taxation.

See § 30; c. 12, §§ 28, 76; *36 Me. 259; *54 Me. 542; 56 Me. 288; 68 Me. 33; *102 Me. 404; *103 Me. 420.

Sec. 6. Exemptions. R. S. c. 10, § 6. The following property and polls are exempt from taxation:

I. The property of the United States and of this state, and the property of any public municipal corporation of this state, appropriated to public uses, if located within the corporate limits and confines of such public municipal corporation, and also the pipes, fixtures, hydrants, conduits, gate-houses, pumping stations, reservoirs, and dams used only for reservoir purposes, of public municipal corporations engaged in supplying water, power, or light, if located outside of the limits of such public municipal corporations, but nothing herein contained shall abridge any power of taxation possessed by any city or town by virtue of any special act.

101 Me. 153.

II. All bonds, notes and other obligations issued after the first day of February, nineteen hundred and nine, by the State of Maine, or any county, municipality, village corporation, light and power district, or water or sewerage district therein.

1919, c. 221, § 1. c. 247.

III. All property which by the articles of separation is exempt from taxation; the personal property of all literary and scientific institutions; the real and personal property of all benevolent and charitable institutions incorporated by the state; the real estate of all literary and scientific institutions occupied by them for their own purposes or by any officer thereof as a residence; the real and personal property owned by posts of the American Legion in this state and occupied or used solely by said posts for their own purposes; the real and personal property owned by chambers of commerce or boards of trade in this state and occupied or used solely by said chambers of commerce or boards of trade for

their own purposes. Corporations whose property or funds in excess of their ordinary expenses are held for the relief of the sick, the poor, or the distressed, or of widows and orphans, or to bury the dead, are benevolent and charitable corporations within the meaning of this specification, without regard to the sources from which such funds are derived, or to limitations in the classes of persons for whose benefit they are applied; but so much of the real estate of such corporations as is not occupied by them for their own purposes shall be taxed in the municipality in which it is situated. And any college in this state authorized under its charter to confer the degree of bachelor of arts or of bachelor of science, and having real estate liable to taxation, shall, on the payment of such tax and proof of the same to the satisfaction of the governor and council be reimbursed from the state treasury to the amount of the tax so paid; provided, however, that the aggregate amount so reimbursed to any college in any one year shall not exceed fifteen hundred dollars; and provided, further, that this claim for such reimbursement shall not apply to real estate bought by any such college after the twelfth day of April, eighteen hundred and eighty-nine.

1919, c. 258. 1927, c. 37.

See articles of separation, condition 7; 61 Me. 586; 65 Me. 92; *73 Me. 433; 441; 86 Me. 76; 78; *246; *99 Me. 357; 105 Me. 217; 108 Me. 321; *109 Me. 24; 123 Me.

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IV. The household furniture of each person, not exceeding two hundred dollars to any one family, his wearing apparel, farming utensils, mechanics' tools necessary for his business, and musical instruments not exceeding in value fifty dollars to one family.

V. Houses of religious worship, including vestries, and the pews and furniture within the same, except for parochial purposes; tombs and rights of burial; and property held by a religious society as a parsonage, not exceeding six thousand dollars in value, and from which no rent is received, and personal property not exceeding six thousand dollars in value. But all other property of any religious society, both real and personal, is liable to taxation the same as other property.

65 Me. 94; 86 Me. 78.

VI. All mules and horses less than six months old, and neat cattle eighteen months old and under, and all sheep to the number of thirty-five, and swine to the number of ten and domestic fowl to the number of fifty.

1917, c. 285. 1923, c. 182.

See c. 12, § 19.

VII. Hay, grain and potatoes, orchard products, and wool, owned by and in possession of the producer.

63 Me. 16.

VIII. The polls and estates of Indians; and the polls of persons under guardianship, or blind.

IX. The polls and the estates of persons who by reason of age, infirmity, or poverty, are in the judgment of the assessors unable to contribute toward the public charges; the polls of all soldiers and sailors who served in the army or navy of the United States in the war of eighteen hundred sixty-one and five, and were honorably discharged from such service; the polls of all soldiers, sailors, and marines who receive state pension; the polls of all soldiers, sailors and marines who served in the war with Spain who have reached the age of sixty-two years; the polls of all disabled veterans of the World War, namely, soldiers, sailors, and marines, who are receiving compensation or vocational training from the United States government on account of disabilities incurred in or aggravated by service in the World War; and the estates to the value of five thousand dollars of all soldiers, sailors, and marines, or the widows of soldiers, sailors, or

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marines who served in the war of eighteen hundred sixty-one and five, the war with Spain, or the World War, and were honorably discharged, who shall have reached the age of seventy years; provided, however, that any such soldier, sailor, or marine, or widow of such soldier, sailor, or marine who desires to pay said tax may, on or before the first day of April in each year, notify in writing the assessors of the city, town, or plantation in which he or she resides of his or her desire to pay said tax, whereupon said assessors shall assess said tax against said soldier, sailor, or marine, or widow of said soldier, sailor, or marine, and said soldier, sailor, or marine, or widow of said soldier, sailor, or marine shall be legally holden to pay said tax; and provided further that no property conveyed to such soldier, sailor, or marine, or widow of such soldier, sailor, or marine, for the purpose of obtaining exemption from taxation under this section shall be so exempt, and any attempt to obtain such exemption by means of such fraudulent conveyance shall be punished by a fine of not less than one hundred dollars.

1919, c. 105. 1921, c. 119. 1923, c. 75. 1927, c. 63. *92 Me. 443; *121 Me. 329; 122 Me. 86.

X. The aqueducts, pipes, and conduits of any corporation, supplying a town with water, are exempt from taxation when such town takes water therefrom for the extinguishment of fires, without charge. But this exemption does not include therein, the capital stock of such corporation, any reservoir or grounds occupied for the same, or any property, real or personal, owned by such company or corporation, other than as hereinabove enumerated.

See c. 69, § 8; *82 Me. 194; 90 Me. 181.

XI. Whenever a land owner plants or sets apart for the growth and production of forest trees any cleared land or lands from which the primitive forest has been removed, and successfully cultivates the same for three years, the trees being not less in numbers than six hundred and forty on each acre and well distributed over the same, then, on application of the owner or occupant thereof to the assessors of the town in which such land is situated, in which is set forth his statement that such land is set apart for the sole purpose of reforestation, for the benefit of the state, and if the assessors find, upon hearing and inspection, that such is the exclusive purpose, the same shall be exempted from taxation for twenty years, after the expiration of said three years, provided, that said applicant at the same time files with said assessors a correct plan of such land with a description of its location, and a statement of all the facts in relation to the growth and cultivation of said incipient forest; provided, further, that such grove or plantation of trees is during that period kept alive and in thriving condition.

1927, c. 247.

XII. Mines of gold, silver, or of the baser metals, when opened and in process of development, are exempt from taxation for ten years from the time of such opening. But this exemption does not affect the taxation of the lands or the surface improvements of the same, at the same rate of valuation as similar lands and buildings in the vicinity.

XIII. All loans of money made by any individual or corporation and secured by mortgage on real estate situated in this state.

Sec. 7. Poll-tax, where assessed. R. S. c. 10, § 7. The poll-tax shall be assessed on each taxable person in the place where he is an inhabitant on the first day of each April. No person shall be considered an inhabitant of a place on account of residing there as a student in a literary seminary.

43 Me. 499; 47 Me. 172; *50 Me. 476.

Sec. 8. Lists of employees to be furnished. R. S. c. 10, § 8. Every person,

association, or corporation employing more than twenty-five men in any city or town in the state shall, within ten days after receiving a written request therefor from the assessors of taxes of the city or town where said men are so employed, furnish to said assessors a complete list of all men so employed by said person, association, or corporation in said city or town on the first day of the preceding April. Upon neglect or refusal so to do, said person, association, or corporation shall be liable to a penalty of fifty dollars to be recovered in an action of debt; and the treasurer of said city or town shall upon request of the assessors of taxes bring such action in his name for the benefit of said city or town.

Sec. 9. Real estate, where taxed. R. S. c. 10, § 9. 1923, c. 135. Taxes on real estate shall be assessed in the town where the estate lies, to the owner or person in possession thereof on the first day of each April. In cases of mortgaged real estate, the mortgagor, for taxation, shall be deemed the owner, until the mortgagee takes possession, after which the mortgagee shall be deemed the owner. Whenever a purchaser of real estate assumes and agrees with the previous owner or party to whom the land is formerly assessed, to pay the pro rata or proportional share of taxes the taxable year of such assessed taxes shall be from April to April.

See § 21; 32 Me. 69; 34 Me. 90; 35 Me. 554; 56 Me. 46; 74 Me. 284; *85 Me. 331; 86 Me. 77; 95 Me. 293; 108 Me. 325; 110 Me. 365.

Sec. 10. Standing wood, bark, and timber may be taxed to purchaser. R. S. c. 10, § 10. Whenever the owner of real estate notifies the assessors that any part of the wood, bark, and timber standing thereon has been sold by contract in writing, and exhibits to them proper evidence, they shall assess such wood, bark, and timber to the purchaser.

Sec. 11. Lien, how enforced. R. S. c. 10, § 11. A lien is created on such wood, bark, and timber, for the payment of such taxes; and may be enforced by the collector by a sale thereof when cut, as provided in section eighteen of chapter fourteen.

Sec. 12. Landlord and tenant to pay equally. R. S. c. 10, § 12. When a tenant paying rent for real estate is taxed therefor, he may retain out of his rent half of the taxes paid by him; and when a landlord is assessed for such real estate, he may recover half of the taxes paid by him and his rent in the same action against the tenant, unless there is an agreement to the contrary.

120 Me. 475.

Sec. 13. Personal estate, taxable where owner resides. Personal property in trade to be taxed on average amount carried for the year. R. S. c. 10, § 13. 1919, c. 82. All personal property within or without the state, except in cases enumerated in the following section, shall be assessed to the owner in the town where he is an inhabitant on the first day of each April; provided, however, that personal property employed in trade shall be taxed on the average amount kept on hand for sale during the preceding year, or any portion of that period when the business has not been carried on for a year.

*37 Me. 371; 48 Me. 443; *49 Me. 369, 430; *50 Me. 476; 53 Me. 520; 54 Me. 543; *60 Me. 200; 61 Me. 459; *68 Me. 33; 79 Me. 233; 81 Me. 296; 83 Me. 145, 228; 91 Me. 511; 103 Me. 425; 105 Me. 55; 107 Me. 396; *109 Me. 237.

Sec. 14. Exceptions. R. S. c. 10, § 14. The excepted cases referred to in the preceding section are the following:

I. All personal property employed in trade, in the erection of buildings or vessels, or in the mechanic arts, shall be taxed in the town where so employed on the first day of each April; provided, that the owner, his servant, sub-contractor, or agent, so employing it, occupies any store, storehouse, shop, mill, wharf, landing place, or shipyard therein for the purpose of such employment. Port-

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able mills, logs in any town to be manufactured therein, and all manufactured lumber excepting lumber in the possession of a transportation company and in transit, and all potatoes stored awaiting sale or shipment, except those owned by and in the possession of the producer, shall be taxed in the town where situated on the first day of April each year.

1921, c. 190. 184 Mass. 464.

48 Me. 478; 53 Me. 519; 59 Me. 286, 289; 60 Me. 279; *81 Me. 296; 83 Me. 145; 91 Me. 512; 93 Me. *333; *98 Me. 381; 104 Me. 277; 105 Me. 55; *107 Me. 397; *108 Me. 132; 109 Me. 228, 238; 114 Me. 487; 115 Me. 70; *122 Me. 304; *124 Me. 113.

II. Personal property, including yachts and pleasure vessels whether propelled by sail, steam, gasoline, or otherwise, which on the first day of each April is within the state and owned by persons residing out of the state or by persons unknown; except vessels built, in process of construction, or undergoing repairs, and hides and the leather, the product thereof, when it appears that the hides were sent into the state to be tanned, and to be carried out of the state, when tanned; shall be taxed either to the owner, if known, or to the person having the same in possession, or to the person owning or occupying any store, storehouse, shop, mill, wharf, landing, shipyard, or other place therein where said property is on said day, and a lien is created on said property in behalf of such person, which he may enforce for the repayment of all sums by him lawfully paid in discharge of the tax. A lien is also created upon the property for the payment of the tax, which may be enforced, by the constable or collector to whom the tax is committed, by a sale of the property, as provided in sections eighteen, nineteen, and twenty of chapter fourteen. If any person pays more than his proportionate part of such tax, or if his own goods or property are applied to the payment and discharge of the whole tax, he may recover of the owner such owner's proper share thereof. Persons engaged in tanning leather in the state shall, on or before the first day of each April, furnish to the assessors of the town where they are carrying on said business, a full account, on oath, of all hides and leather on hand received by them from without the state, and all hides and leather on hand from beasts slaughtered in the state, which last named hides and leather shall be taxed in the town where they were tanned. The words "vessels built" in the fourth line of this paragraph shall not be construed to include pleasure vessels or boats. Provided, however, that pleasure vessels or boats in the state of the first day of each April whose owners reside without the state, and which are left in this state temporarily by the owners for the purposes of repairs, shall not be taxable under the provisions of this section.

109 Me. 238.

III. Machinery employed in any branch of manufacture, goods manufactured of unmanufactured, and real estate belonging to any corporation, except when otherwise expressly provided, shall be assessed to such corporation in the town or place where they are situated or employed; and in assessing stockholders for their shares in any such corporation, their proportional part of the assessed value of such machinery, goods, and real estate shall be deducted from the value of such shares.

37 Me. 446; 60 Me. 199; 78 Me. 97; 88 Me. 180.

IV. All mules, horses, and neat cattle shall be taxed in the town where they are kept on the first day of each April, to the owner, or person who has them in possession at that time. All such animals, which are in any other town than that in which the owner or possessor resides, for pasturing or any other temporary purpose on said first day of April, shall be taxed to such owner or possessor in the town where he resides; and all such animals, which are out of the state, or in any unincorporated place in the state on said first day of April, but owned by,

or in charge and possession of any person residing in any town, shall be taxed to such owner or possessor in the town where he resides. If a town line so divides a farm that the dwelling-house is in one town and the barn or outbuildings or any part of them is in another, such animals kept for the use of said farm, shall be taxed in the town where the house is.

See § 6, ¶ vi; c. 13, § 19; 33 Me. 445; 107 Me. 532.

V. Personal property belonging to minors under guardianship shall be assessed to the guardian in the place where he is an inhabitant. The personal property of all other persons under guardianship shall be assessed to the guardian in the town where the ward is an inhabitant.

98 Me. 154.

VI. Personal property held in trust by an executor, administrator, or trustee, the income of which is to be paid to any other person, shall be assessed to such executor, administrator, or trustee in the place where the person to whom the income is payable as aforesaid is an inhabitant. But if the person to whom the income is payable as aforesaid, resides out of the state, such personal property shall be assessed to such executor, administrator, or trustee in the place where he resides.

80 Me. 510; 91 Me. 606; 109 Me. 228.

VII. Personal property placed in the hands of any corporation as an accumulating fund for the future benefit of heirs or other persons shall be assessed to the person for whose benefit it is accumulating, if within the state, otherwise, to the person so placing it, or his executors or administrators, until a trustee is appointed to take charge of it or its income, and then to such trustee.

*79 Me. 233.

VIII. The personal property of deceased persons in the hands of their executors or administrators not distributed shall be assessed to the executors or administrators in the town where the deceased last dwelt, until they give notice to the assessors that said property has been distributed and paid to the persons entitled to receive it. If the deceased at the time of his death did not reside in the state, such property shall be assessed in the town in which such executors or administrators live. Before the appointment of executors or administrators the property of deceased persons shall be assessed to the estate of the deceased in the town where he last dwelt, if in the state, otherwise in the town where the property is on the first day of April, and the executors or administrators subsequently appointed shall be liable for the tax so assessed.

76 Me. 550; *78 Me. 282; 90 Me. 493; 98 Me. 51; 111 Me. 317.

IX. Personal property held by religious societies shall be assessed to the treasurer thereof in the town where they usually hold their meetings; but any corporation or society in this state holding personal property as a fund for the support of the ministry in any town in the state, and liable to taxation therefor, shall, on payment of such tax and proof of the same to the satisfaction of the governor and council, be reimbursed from the state treasury to the amount of the tax so paid.

65 Me. 94; 109 Me. 27.

X. Personal property in another state or country on the first day of each April, and legally taxed there, except as provided in the following paragraph.

XI. Money of residents of this state deposited in any bank without this state on interest shall be assessed to such owner as provided in section thirteen, provided however if any state exempts similar deposits in banks in this state, including interest thereon, to owners residing in that state the provisions of this paragraph shall not apply to deposits in that state.

1919, c. 4.

Sec. 15. Stock of toll bridges, how, where, and to whom taxed. R. S. c. 10,

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§ 15. The stock of toll bridges shall be taxed as personal property, to the owners thereof, in the towns where they reside, except stock owned by persons residing out of the state, which shall be taxed in the town where the bridge is located, and where such bridge is in two towns, one-half of such stock so owned by persons residing out of the state shall be assessed and taxed in each town.

115 Me. 402.

Sec. 16. Clerks failing to make returns, property deemed corporate. R. S. c. 10, § 16. When the clerk of a corporation holding property liable to be taxed, fails to comply with section twenty-six of chapter fifty-five, whether the corporation was chartered before or since the separation of Maine from Massachusetts, such property for the purposes of taxation, shall be deemed corporate property, liable to be taxed to the corporation, although its stock has been divided into shares and distributed among any number of stockholders.

Sec. 17. Such property, how taxable. R. S. c. 10, § 17. Such property, both real and personal, is taxable for state, county, city, town, and school district taxes, to be assessed and collected in the same manner and with the same effect as upon similar taxable property owned by individuals. If the corporation has the right to receive tolls, such right or franchise may be taken and sold on warrant of distress for payment of such taxes, as such property is taken and sold on execution.

88 Me. 179.

Sec. 18. Blood animals. R. S. c. 10, § 18. Blood animals, brought into the state and kept for improvement of the breed, shall not be taxed at a higher rate than stock of the same quality and kind bred in the state.

Sec. 19. Stock of companies invested in other stock, how to be taxed. R. S. c. 10, § 19. When an insurance or other incorporated company is required by law to invest its capital stock or any part thereof in the stock of a bank, or other corporation in the state, for the security of the public, such investments shall not be liable to taxation except to the stockholders of the company so investing as making a part of the value of their shares in the capital stock of said company.

103 Me. 428.

Sec. 20. Investments of insurance companies, taxation. R. S. c. 10, § 20. When the capital stock of any insurance company incorporated in the state is taxed at its full value, the securities and pledges held by said company to the amount of said stock, are exempt from taxation; but if the pledge or security consists of real estate in a town other than that where the stockholder resides, it shall be taxed where it lies, and the stock shall be exempt to the amount for which it is assessed.

103 Me. 428.

Sec. 21. Mortgaged personal property; loan secured by deed is taxable to grantee. R. S. c. 10, § 21. When personal property is mortgaged or pledged, it shall, for purposes of taxation, be deemed the property of the party who has it in possession, and it may be distrained for the tax thereon. Money or personal property, loaned or passed into the hands or possession of another, by any person residing in the state, secured by an absolute deed of real estate, shall be taxed to the grantee, as in case of a mortgage, although the land is taxed to the grantor or other person in possession.

See § 6, ¶ xiii; 74 Me. 83.

Sec. 22. Real estate of deceased, how taxed. R. S. c. 10, § 22. The undivided real estate of a deceased person may be assessed to his heirs or devisees without designating any of them by name, until they give notice to the assessors of the division of the estate, and the names of the several heirs or devisees; and until such notice is given, each heir or devisee shall be liable for the whole of

such tax, and may recover of the other heirs or devisees their portions thereof when paid by him; and in an action for that purpose, the undivided shares of such heirs or devisees in the estate, upon which such tax has been paid, may be attached on mesne process, or taken on execution issued on a judgment recovered in an action therefor. Or such real estate may be assessed to the executor or administrator of the deceased, and such assessment shall be collected of him the same as taxes assessed against him in his private capacity, and it shall be a charge against the estate and shall be allowed by the judge of probate; but when such executor or administrator notifies the assessors that he has no funds of the estate to pay such taxes and gives them the names of the heirs and the proportions of their interests in the estate to the best of his knowledge, the estate shall no longer be assessed to him.

69 Me. 31; 76 Me. 551; 87 Me. 359; *95 Me. 168; 98 Me. 51.

Sec. 23. Personal estate of partners, how to be taxed. R. S. c. 10, § 23. Partners in business, whether residing in the same or different towns, may be jointly taxed, under their partnership name, in the town where their business is carried on, for all personal property enumerated in paragraph one of section fourteen, employed in such business; and if they have places of business in two or more towns, they shall be taxed in each town for the portion of property employed therein; except that if any portion of such property is placed, deposited, or situated in a town other than where their place of business is, under the circumstances specified in said paragraph, they shall be taxed therefor in such other town; and in such cases they shall be jointly and severally liable for such tax.

59 Me. 289; *107 Me. 396.

Sec. 24. Lands may be assessed to owners or tenants; part owners may be taxed and pay, separately. R. S. c. 10, § 24. All real estate, and such as is usually called real, but is made personal by statute, may be taxed to the tenant in possession, or to the owner, whether living in the state or not, in the town where it is; and when a state, county, or town tax is assessed on lands owned or claimed to be owned, in common, or in severalty, any person may furnish the collector or treasurer, to whom the tax is to be paid, an accurate description of his part of the land, in severalty, or his interest, in common, and pay his proportion of such tax; and thereupon his land or interest shall be free of all lien created by such tax.

22 Me. 405; 25 Me. 365; 32 Me. 70; 34 Me. 90; 35 Me. 554; 37 Me. 441; 43 Me. 499; 47 Me. 172, *415; 74 Me. 284.

Sec. 25. Assessment may be continued until notice of transfer; tenant in common may be considered owner. R. S. c. 10, § 25. When assessors continue to assess real estate to the person to whom it was last assessed, such assessment is valid, although the ownership or occupancy has changed, unless previous notice is given of such change, and of the name of the person to whom it has been transferred or surrendered; and a tenant in common, or joint tenant, may be considered sole owner for the purpose of taxation, unless he notifies the assessors what his interest is.

*95 Me. 166.

Sec. 26. Property of manufacturing, mining and smelting corporations, and of stock raising corporations, how taxed. R. S. c. 10, § 26. The buildings, lands, and other property of manufacturing, mining, and smelting corporations, not exempt from taxation, and all stock used in factories shall be taxed to the corporation, or to the person having possession of its property or stock, in the town or place where the buildings and lands are situated and where the property is kept, or where the stock is manufactured; and the buildings and lands and

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other property of agricultural and stock raising corporations shall be taxed to the corporation, or to the person having possession of its property, in the town where the buildings and lands are situated and where the personal property is kept; and there shall be a lien for one year on such property and stock for payment of such tax; and it may be sold for payment thereof, as in other cases; and shares of the capital stock of such corporations shall not be taxed to their owners.

Sec. 27. Property of corporations organized for dealing in real estate, where taxed; lien. R. S. c. 10, § 27. The buildings, lands, and all other property, real and personal, including all reserve funds, accumulations, and undivided profits of corporations organized for the purpose of buying, selling, and leasing real estate, shall be taxed to the corporation or the persons having possession of such property, in the place where such land and other property are situated, and there shall be a lien for one year on such property for the payment of such tax, and the same may be sold for payment thereof as in other cases; and shares of the capital stock of such corporations shall not be taxed to the owners thereof.

Sec. 28. Sailing vessels and barges, rate of taxation. R. S. c. 10, § 28. All sailing vessels and barges registered or enrolled under the laws of the United States or foreign governments, owned wholly or in part by inhabitants of this state, shall be taxed upon an appraised value of twenty dollars a ton, gross tonnage, for new vessels and barges completed on or before the first day of April of each year. Vessels or barges one year old or more shall be reduced in value at the rate of one dollar a ton a year for each additional year of age, until they shall have reached the age of seventeen years, at and after which time said vessels and barges shall be taxed upon an appraised value of three dollars a ton, gross tonnage. The provisions of this section shall not apply to steam barges.

Sec. 29. How rebuilt vessels and barges shall be taxed. R. S. c. 10, § 29. Vessels and barges when rebuilt shall be taxed on the same valuation as vessels and barges of one-half the age of such rebuilt vessels or barges. A vessel or barge shall be regarded as rebuilt only on an expenditure being made of not less than forty per cent of the cost of such vessel or barge if built entirely new. Vessels and barges if repaired to the extent of twenty-five per cent of the cost of such vessel or barge if built entirely new, shall be taxed upon the same valuation as vessels and barges of five-eighths the age of such repaired vessel or barge. The provisions of this section shall not apply to steam barges.

Sec. 30. Real estate of banks, where to be taxed; bank stock, where taxed. R. S. c. 10, § 30. All real property in the state owned by any bank incorporated by this state, or by any national bank or banking association, or by any corporation organized under the laws of this state for the purpose of doing a loan, trust, or banking business and having a capital divided into shares, shall be taxed in the place where the property is situated, to said bank, banking association or corporation, for state, county, and municipal taxes, according to its value, like other real estate; but the stock of such banks, banking associations, and other corporations shall be taxed to the owners thereof where they reside, if known to be residents of the state; but taxation of shares in such banks shall not be at a greater rate than is assessed upon other money capital in the hands of citizens. This section does not apply to building and loan associations.

54 Me. 542; 55 Me. 457; *56 Me. 275, 313; *103 Me. 420. See § 14, ¶ 3; c. 12, § 68.

Sec. 31. Taxation of bank and other stock owned out of the state; lien. R. S. c. 10, § 31. Stock of any bank or other corporation, except a manufacturing corporation, an agricultural and stock raising corporation, or corporation mentioned in section twenty-seven, held by persons out of the state, or unknown, which has not been certified according to section twenty-six of chapter fifty-five,

in any town in the state, and is not there assessed; and the stock of any bank or such other corporation appearing by the books thereof to be held by persons residing out of the state, or whose residence is unknown to the assessors, shall unless exempt be assessed in the town where such bank or other corporation is located, or transacts its ordinary business; and such town has a lien on such stock and all dividends thereon, from the date of such assessment, until such tax and all costs and expenses arising in the collection thereof are paid. No assignment, sale, transfer, or attachment passes any property in such stock unless the vendee first pays such tax and cost.

*103 Me. 425.

Sec. 32. Officers required to exhibit books; penalty. R. S. c. 10, § 32. The cashier or other officer of each bank or other corporation, except a manufacturing corporation, an agricultural and stock raising corporation, or corporation mentioned in section twenty-seven, shall exhibit on demand, to the assessors of any town all the books of such bank or other corporation that contain any record of the stock of such bank or other corporation or any dividend, declared or paid thereon, and if requested, shall deliver to them a true and certified copy of so much of said record as they require. If any cashier or other officer neglects or refuses to perform the duties required by this section, the assessors may doom such bank or other corporation in such sum as they deem reasonable, and the assessment shall bind such bank or other corporation and the tax thereon shall not be abated, and for such neglect or refusal, such cashier or other officer forfeits five hundred dollars to be recovered in an action of debt, half to the prosecutor and half to the state.

103 Me. 425; *123 Me. 48.

Sec. 33. Duty of assessors when holders of stock returned do not reside in their town. R. S. c. 10, § 33. When returns of stock in banks and national banking associations and other corporations are made according to the preceding section, or section twenty-six of chapter fifty-five, if it is found by the assessors of any town receiving such returns that the holders of such stock do not reside in such town, they shall within fifteen days return the names of such stockholders, with the amount of stock held by them to the assessors of the town where such stockholders reside, if their residence is known, and within the state; and if not, such return shall be made to the assessors of the town where the bank is located, and shall be subject to section thirty-one of this chapter.

103 Me. 425.

Sec. 34. Collectors of taxes to give notice; no dividend to be paid, until tax is paid; powers of collectors. R. S. c. 10, § 34. The collector of a town, to whom has been committed a tax upon the stock of any bank or other corporation, except a manufacturing corporation or corporation mentioned in section twenty-seven, shall, within thirty days after the bills of assessment are delivered to him, cause a written notice to be delivered to the cashier or president thereof, stating the description of stock taxed, to whom assessed, if stated in the bills, and the tax thereon. No dividend shall be paid on such stock after such notice until the tax and all cost thereon are paid. The cashier or treasurer may pay such tax, and payment shall constitute a charge in offset against any dividend thereon. Should such tax remain unpaid for ninety days after such notice, the collector may sell such stock in the manner specified in sections twenty-four and twenty-five of chapter fourteen. For the purpose of collecting taxes on bank or other stock, collectors may act in any town.

103 Me. 425. See c. 14, §§ 26, 32, 33.

Sec. 35. Actions may be maintained by treasurers of towns and cities. R. S. c. 10, § 35. Any town treasurer, or his successor in office may maintain an ac-

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tion on the case against any bank, or other corporation, and recover therein the tax assessed if unpaid, and the lawful charges upon any share thereof, if any dividend thereon has been paid after such tax was assessed, provided the notice prescribed in the preceding section has been given; but judgment shall not be rendered in such action for a larger sum in damages than the dividend thus paid, and all such taxes and charges may be recovered in one suit, if said treasurer so elects.

^{103 Me. 425.}

Sec. 36. Supplementary assessments may be made. **R. S. c. 10, § 36.** When any assessors, after completing the assessment of a tax, discover that they have omitted any polls or estate liable to be assessed, they may, during their term of office, by a supplement to the invoice and valuation, and the list of assessments, assess such polls and estate their proportion of such tax according to the principles on which the assessment was made, certifying that they were omitted. Such supplemental assessments shall be committed to the collector with a certificate under the hands of the assessors, stating that they were omitted, and that the powers in their previous warrant, naming the date of it, are extended thereto; and the collector has the same power, and is under the same obligations to collect them, as if they had been contained in the original list; and all assessments shall be valid, notwithstanding that by such supplement the whole amount exceeds the sum to be assessed by more than five per cent, or alters the proportion of tax allowed by law to be assessed on the polls.

See c. 5, § 10; c. 14, § 31; 34 Me. 268; 61 Me. 547; 65 Me. 25; 87 Me. 359; 90 Me. 491; 94 Me. 354; *98 Me. 53, 150, 153; *122 Me. 86.

Sec. 37. Treasurer of state to issue warrants for state tax; tax for each year to be separately ordered. **R. S. c. 10, § 37.** When a state tax is ordered by the legislature, the treasurer of state shall forthwith send his warrants directed to assessors of each town or other place, requiring them to assess upon the polls and estates of each, its proportion of such state tax for the current year; and shall in like manner send like warrants for the state tax for the succeeding year, forthwith upon the expiration of one year from the time such tax is so ordered. The tax for each year shall be separately ordered and apportioned; and the amount of such proportion shall be stated in the warrants.

See c. 14, § 94; 90 Me. 243.

Sec. 38. Requirements of treasurer's warrant. **R. S. c. 10, § 38.** The treasurer, in his warrant, shall require said assessors to make a fair list of their assessments, setting forth in distinct columns against each person's name, how much he is assessed for a poll, how much for real estate, and how much for personal estate, distinguishing any sum assessed to such person as guardian, or for any estate in his possession as executor, administrator, or trustee; to insert in such list the number of acres of land assessed to each non-resident proprietor, and the value at which they have estimated them; to commit such list, when completed and signed by a majority of them, to the collector or constable of such town or other place, with their warrants in due form requiring them to collect and pay the same to the treasurer of such town or other place, at such times as the legislature, in the act authorizing such tax, directed them to be paid; and to return a certificate of the names of such officers and the amount so committed to each, two months at least before the time at which they are required to pay in such tax.

See c. 14, § 94.

Sec. 39. Rules for assessment of taxes. **R. S. c. 10, § 39.** In the assessment of all state, county, town, plantation, parish, or society taxes, assessors shall govern themselves by this chapter, except in parishes and societies where dif-

ferent provision for assessing their taxes is made; and shall assess on the taxable polls therein in accordance with section one of this chapter, such part of the whole sum to be raised as they deem expedient; and the residue of such taxes shall be assessed on the estates according to their value.

See c. 14, § 94; 55 Me. 461.

Personal Liability of Assessors.

Sec. 40. Assessors responsible for personal faithfulness only. R. S. c. 10, § 40. Assessors of towns, plantations, school districts, parishes, and religious societies are not responsible for the assessment of any tax, which they are by law required to assess; but the liability shall rest solely with the corporation for whose benefit the tax was assessed, and the assessors shall be responsible only for their own personal faithfulness and integrity.

11 Me. 137; 12 Me. 259; 15 Me. 260; 39 Me. 187; 43 Me. 499; 49 Me. 351; *90 Me. 243.

Assessment of Taxes on Lands in Places not Incorporated.

Sec. 41. Lands in places not incorporated may be taxed by the state. R. S. c. 10, § 41. Lands not exempt, and not liable to be assessed in any town, may be taxed by the legislature for a just proportion of all state and county taxes as herein provided for ordering the state and county taxes upon property liable to be assessed in towns. The board of state assessors shall make lists thereof, with as many divisions as will secure equitable taxation, conforming as near as convenient to known divisions and separate ownership, and report the same to each successive legislature.

See c. 14, § 95.

Sec. 42. Meaning of letters used in lists of unincorporated townships and wild lands. R. S. c. 10, § 42. In the lists made by the board of state assessors, in accordance with the preceding section, for purposes of valuation and assessment, the following initial letters shall be held and construed to mean as follows: The letter "T" when used alone shall be held and construed to mean Township; the letter "R," when used alone, Range; the letter "N." when used alone shall be construed to mean North, "E." East, "S." South, "W." West; the letters "N. W." North West, "N. E." North East, "S. W." South West, "S. E." South East.

The letters "W. E. L. S." West of the East Line of the State; "B. K. P.," Bingham's Kennebec Purchase; "B. P. P.," Bingham's Penobscot Purchase; "W. B. K. P." West of Bingham's Kennebec Purchase; "N. B. K. P.," North of Bingham's Kennebec Purchase; "W. K. R." West of the Kennebec River; "E. K. R." East of the Kennebec River; "E. C. R." East of the Canada Road; "W. C. R." West of the Canada Road; "N. W. P." North of Waldo Patent; "T. S." Titcomb Survey.

119 Me. 315; *121 Me. 306, 318.

Sec. 43. Lands in places not incorporated subject to county taxes. R. S. c. 10, § 43. Such lands may be assessed by the county commissioners according to the last state valuation for a due proportion of county taxes. Lists of such taxes shall immediately be certified and transmitted by the county treasurer to the treasurer of state. In the list, each such township and tract shall be sufficiently described, with the date and amount of assessment on each. The treasurer of state shall, in his books, credit the county treasurer for the amount of each such assessment when collected by him and shall certify and pay to said county treasurer the amount of tax and interest so collected on or before the last day of each April, August, and November, and so much of said tax and

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interest so collected as may be necessary is hereby appropriated to pay the same to the several county treasurers, and the governor and council are hereby authorized to draw their warrants for the same as above provided.

86 Me. 515. See c. 14; § 95.

Sec. 44. Tax notices may be sent by mail to known owners; lists of assessments of unknown owners to be advertised. R. S. c. 10, § 44. 1923, c. 66, § 1. When the legislature assesses such state tax, the treasurer of state shall, within three months thereafter, notify in writing the owners of such lands so assessed by sending to each by mail at his last known address a statement of such tax containing a brief description of the land assessed and the amount of such tax, together with the amount of the county tax on said lands so certified to him, and the date when payment is required, and shall send like notices of such state and county taxes for the following year within three months after one year from such assessment. In case the owners of any such lands are unknown, instead of sending the notices by mail he shall cause the lists of such assessments, together with the amounts of county tax on said lands so certified to him, both for the current year, to be advertised for three weeks successively in the state paper, and in some newspaper, if any, printed in the county in which the land lies, and shall cause like advertisement of the lists of such state and county taxes for the following year to be made within three months after one year from such assessment. Said lands are held to the state for payment of such state and county taxes, with interest thereon at the rate of six per cent to commence upon the taxes for the year for which such assessment is made at the expiration of six months and upon the taxes for the following year at the expiration of eighteen months from the date of such assessment.

86 Me. 515; 95 Me. 418; 113 Me. 257.

Sec. 45. Lands so assessed may be redeemed. R. S. c. 10, § 45. 1923, c. 66, § 2. Owners of the lands so assessed may redeem them by paying to the treasurer of state the taxes with interest thereon within one year from the time when such interest commences. Each owner may pay for his interest in any tract, whether in common or not, and upon filing with the state assessors a certificate showing the number of acres, and describing the property on which he desires to pay the tax and where the same is located, and paying the amount due, shall receive a certificate from the treasurer of state, discharging the tax on the number of acres or interest, upon which such payment is made. Each part or interest of every such township or tract upon which the state or county taxes so advertised are not paid with interest within the time limited in this section for such redemption shall be wholly forfeited to the state, and vest therein free of any claim by any former owner. But this section and the five following sections do not apply to taxes upon organized plantations taxed by the state as wild lands.

See c. 14, §§ 88, 94; 26 Me. 219; 36 Me. 336; 43 Me. 312; 46 Me. 518; 95 Me. 418; 113 Me. 257; *121 Me. 306, 325.

Sec. 46. Treasurer of state to sell forfeited lands; forest commissioner may bid in behalf of state; disposal of proceeds. R. S. c. 10, § 46. 1919, c. 57, § 1. Lands thus forfeited shall annually in November be sold by the treasurer of state at public auction to the highest bidder; but never at a price less than the full amount due thereon for such unpaid state, county, and district taxes, interest and cost of advertising except that in case of a sale to the forest commissioner no interest shall be added. Notice of the sale shall be given by publishing a list of the lands to be sold, with the amount of such unpaid taxes, interest and costs on each parcel and the time and place of sale, in the state paper and in some newspaper, if any, published in the county in which the lands lie, three weeks

successively within three months before the time of sale. But no such sale shall be valid against an owner who for the twelve months preceding notice of sale has resided, or maintained a tenant on the land so listed, unless written notice of such sale has been made on such owner or tenant by service, personal or at the last and usual place of abode on such land, by a deputy sheriff of the county where the land lies, said notice to be a copy of so much of the list of the lands to be sold, as describes the land of such owner or tenant, certified by the state treasurer. Such service shall be made within not more than sixty days and not less than thirty days before the time of sale, and the fees for service and travel shall be the same as in case of service of writs, to be paid by the state treasurer from any moneys not otherwise appropriated. The treasurer shall give to the purchaser a deed of such lands, which shall vest in such purchaser title to the same in fee subject to the right of redemption hereinafter provided. Such deed, before delivery, and all releases and certificates given under the provisions of section forty-eight, shall be recorded in the land office, with appropriate references thereto on the margin of the record of the original deed therein recorded. The forest commissioner shall attend such sales, and may, in behalf of the state, bid for the same the amount of such unpaid taxes, and costs. In such case the deed may be made to the inhabitants of the state of Maine and delivered to said forest commissioner; for such deed the forest commissioner shall give his receipt, which shall be a sufficient authority for the governor and council to draw their warrant upon the treasurer of state for the amount of such taxes and costs. The proceeds of any tax sales under this section shall be credited by the treasurer of state to the several accounts of state, county, and district taxes, interest and costs of advertising.

See c. 14, § 77; 60 Me. 270; 68 Me. 317; 86 Me. 515; *95 Me. 418; 113 Me. 258.

Sec. 47. Surplus to be paid to owners. R. S. c. 10, § 47. If any such tract is sold for more than the amount due, the surplus shall be held by the state to be paid to the owner, whose right has been so forfeited, upon proof of ownership produced to the governor and council.

95 Me. 418.

Sec. 48. Owner may pay tax and costs of service before sale, or he may redeem from the purchaser within one year. R. S. c. 10, § 48. 1919, c. 57, § 2. Any owner may redeem his interest in such lands, by paying to the treasurer of state his part of the sums due, including the cost of serving the notice upon the owner or his tenant, as provided in section forty-six, at any time before sale; or after sale, by paying or tendering to the purchaser, within a year, his proportion of what the purchaser paid therefor at the sale, with interest at the rate of twenty per cent a year from the time of sale, and one dollar for a release; and the purchaser, on reasonable demand, shall execute such release; and if he refuses or neglects, a bill in equity may be maintained to compel him, with costs and any damages occasioned by such refusal or neglect. Or such owner may redeem his interest by paying as aforesaid to the treasurer of state, who, on payment of fifty cents, shall give a certificate thereof; which certificate, recorded in the registry of deeds in the county or district where the lands lie, shall be a release of such interest, and the title thereto shall revert and be held as if no such sale had been made. The governor and council may draw their warrant on the treasurer for any money so paid to him, in favor of the purchaser for whom it was paid, or his legal representatives.

See c. 14, § 77; 77 Me. 83; 95 Me. 418.

Sec. 49. Costs; county taxes to be paid over to county treasurer; copy of record of treasurer's doings, is made evidence. R. S. c. 10, § 49. The printer's

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bills for advertising such lands shall be divided in each case by the number of townships and tracts advertised, and each shall be charged with its proportion thereof. All amounts of county taxes and interest so received by the treasurer of state shall be credited by him to the counties to which they belong, and paid to the treasurers thereof. The treasurer of state shall record his doings in every such sale; and a certified copy of such record shall be prima facie evidence, in any court, of the facts therein set forth. He shall give a deed to the purchaser conveying all the interest of the state in the land sold.

68 Me. 317; 86 Me. 515; 95 Me. 418.

Sec. 50. Owner may pay taxes to county treasurer. R. S. c. 10, § 50. Any owner of lands so assessed by the county commissioners for county taxes may redeem them by paying to the county treasurer the amount due thereon for such taxes, interest, and charges and depositing with the treasurer of state the county treasurer's certificate of such payment, at any time before the sale.

Timber and Grass on Reserved Lands.

Sec. 51. Timber and grass on reserved lands, held for payment of taxes. R. S. c. 10, § 51. The timber and grass on the reserved lands shall be held to the state for the payment of such state, county, and forestry district taxes as may be lawfully assessed against them after the twenty-sixth day of April, eighteen hundred and ninety-seven, with interest thereon at the rate of twenty per cent a year, to commence upon the taxes for the year in which such assessment is made, at the expiration of six months, and upon the taxes for the following year, at the expiration of eighteen months from the date of such assessment.

Sec. 52. Owner may pay his proportion of tax; discharge. R. S. c. 10, § 52. Each owner of timber and grass so assessed may pay the part of the tax so assessed proportioned to his interest in any tract, whether in common or not; and shall receive from the treasurer of state a certificate, discharging the tax upon the interest upon which such payment is made.

Sec. 53. Each interest by acreage to be forfeited at annual sale, if tax is not paid. R. S. c. 10, § 53. Each fractional part, or interest represented by acreage, in all such reserved lands, upon which the state, county, and forestry district taxes and interest are not paid at the time of the annual land sale in November shall be forfeited to the state, the same as in the case of lands sold for taxes; but any owner may redeem his interest in such reserved lands by tendering to the treasurer of state, within one year after the date of the land sale at which said interest was forfeited, his proportional part of all the sums due on the reserved lands in any township, together with interest at twenty per cent a year from the date of the land sale, and one dollar for a release.

Sec. 54. If land is not redeemed in one year, it shall remain forfeited to the state. R. S. c. 10, § 54. If any fractional part or interest represented by acreage in such reserved lands shall not be redeemed as provided in the preceding section at the expiration of one year from the date of the land sale at which such interest was forfeited, then it shall be and remain wholly forfeited to the state, and shall vest in the state free from all claims by any former owner.

Sec. 55. Timber and grass forfeited to be held for the benefit of the townships. R. S. c. 10, § 55. All timber and grass forfeited under the provisions of the preceding section, shall be held in trust by the state for the benefit of the townships in which such reserved lands lie, and shall be under the control of the forest commissioner, as provided in the case of reserved lands in organized plantations.

Sec. 56. Forest commissioner to make division of lots partially forfeited. R. S. c. 10, § 56. The forest commissioner shall cause a division to be made, if found necessary from time to time, of the reserved lands or public lots which have been partially forfeited, and shall set off and hold the forfeited portions for the benefit of townships in which they lie, as provided in the preceding section.

Sec. 57. Taxes due from interests forfeited to be deducted from money payable to the township from stumpage. R. S. c. 10, § 57. After such timber and grass shall be wholly forfeited to the state, the treasurer of state shall charge all taxes due from such interests as are forfeited, to the several townships in which they lie, to be deducted from such moneys as may be payable to said townships in the future, from the sale of stumpage by the forest commissioner.

Assessment of Taxes for Building and Repair of Roads in Unincorporated Places.

Sec. 58. Assessment on lands for opening roads in unincorporated places; lien created; apportionment of part of expense on county; appeal; appointment of agent to superintend building of road. R. S. c. 10, § 58. When a road is laid over lands under section fifty of chapter twenty-seven, the county commissioners shall at their first regular session thereafter assess thereon and on adjoining townships benefited thereby, such an amount as they judge necessary for making, opening, and paying expenses attending it; and such assessment shall create a lien thereon for the payment thereof; and they may make as many divisions as are equitable, conforming as nearly as is convenient to known divisions and separate ownerships, and may assess upon each a sum proportional to the value thereof and the benefits likely to result to the same by the establishment of the road; when such assessment would be unreasonably burdensome to such owners, they shall assess an equitable sum on the county and the balance only on such land. Any person aggrieved by an assessment may appeal to the supreme judicial court at the term thereof first held after such assessment; and the presiding judge at that term shall, on hearing the case, determine what part of said assessment shall be paid by the owners of the tract or township, and what part, if any, by the county, and there shall be no appeal from such decision. They shall, at the same time, fix the time for making and opening such road, not exceeding two years from the date of the assessment, and appoint an agent or agents, not members of their board, to superintend the same, who shall give bond to the treasurer of the county, with sureties approved by them, to expend the money faithfully, and to render account thereof on demand; and they shall publish a list of the townships and tracts of land so assessed, with the sum assessed on each, and the time in which the road is to be made and opened, in the state paper, and in some paper, if any, printed in the county where the lands lie, three weeks successively, the last publication to be within three months from the date of the assessment.

See c. 27, § 50-54; 17 Me. 198; 27 Me. 294; 29 Me. 201; 30 Me. 352; 33 Me. 458; 46 Me. 346; 72 Me. 248; 80 Me. 285; *83 Me. 517, 521.

Sec. 59. Owners may discharge their assessments by building roads. R. S. c. 10, § 59. If the owners make and open such road to the acceptance of the commissioners, after an actual examination by one or more of their board, within said time, the assessment shall thereby be discharged; otherwise it shall be enforced as hereinafter provided, and the agents shall proceed immediately to make and open the road.

Sec. 60. Commissioners annually to inspect county roads in unincorporated places; assessments for repairs; agent to be appointed to superintend the repair

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of roads. R. S. c. 10, § 60. Said county commissioners, in September, annually, by one or more of their board, shall make an inspection of all county roads and other roads originally located as town roads in the unincorporated townships and tracts of land in their counties, and shall thereupon make an estimate of the amount needed to put them in repair, so as to be safe and convenient for public travel, and assess thereon not exceeding two per cent of the valuation thereof, and shall assess on the county the balance of said amount if said assessment of two per cent is not sufficient to properly repair said roads; and they shall make as many divisions as are equitable, conforming as nearly as is convenient to known divisions and separate ownerships, and shall assess upon each a sum proportionate to the value thereof; and cause so much thereof as they deem necessary for the purpose aforesaid, to be expended on said roads within one year thereafter, which assessment shall create a lien thereon for the payment thereof. They shall make such assessment by the first day of each January, and at the same time appoint an agent or agents, skilled in road building, not members of their board, to superintend the expenditure thereof, who shall give bonds as provided in section fifty-eight; and they shall publish a list of townships and tracts of land so assessed, with the sums so assessed on each, and the roads on which it is to be expended, in some paper printed in the county where the lands lie, three weeks successively, the last publication to be within three months from the date of the assessment.

*63 Me. 568; 87 Me. 503.

Sec. 61. Proceedings if owner fails to discharge his assessments. R. S. c. 10, § 61. If any owner fails to pay the sum so assessed on his land, for the expenses of making and opening such new roads, within two months from the time fixed therefor as provided in section fifty-nine or fails within two months after the fifteenth day of each June to pay his assessment for repairing roads, as provided in the preceding section, the county treasurer shall proceed to sell the lands so assessed by advertising the lists of unpaid taxes, with the date of assessment and the time and place of sale, in the state paper, and in some paper, if any, printed in the county where the lands lie, three weeks successively, the last publication to be at least thirty days before the time of sale. No bid shall be received at such sale for less than the amount due for the tax, costs and interest at twenty per cent a year from the time prescribed for the payment of said tax; and the treasurer shall sell so much of said land as is necessary to pay the unpaid tax, costs and interest as aforesaid, and give a deed thereof to the purchaser, if any; and if no one becomes a purchaser at such sale it shall be forfeited to the county; and such owner or part owner or tenant in common, may redeem his interest therein at any time within two years from the sale or forfeiture, by paying to the purchaser or the county the sum for which it was sold or forfeited, with interest at twenty per cent a year, and any sums subsequently paid for state and county taxes thereon. Any owner of lands so sold shall receive his share in any overplus of the proceeds of such sale, on exhibiting to the treasurer satisfactory evidence of his title. In addition to the foregoing method for the collection of highway taxes, the county commissioners of any county may, in writing, at any time subsequent to that when the lands so assessed might be sold for non-payment of the taxes assessed thereon, direct the treasurer of such county to commence an action of debt in the name of the inhabitants of said county, against the party liable to pay such taxes. But no such defendant shall be liable for any costs of suit in such action unless it appears by the declaration and proof, that payment of said tax had been duly demanded by said treasurer before the suit was commenced.

Sec c. 14, § 94; 27 Me. 294; *30 Me. 352; 33 Me. 458; 69 Me. 349; 74 Me. 55.

Sec. 62. Prima facie proof of title by purchase at such sale. R. S. c. 10, § 62. In any trial at law or in equity involving the validity of any sale or forfeiture of such lands, as provided in the preceding section, it shall be prima facie proof of title for the party claiming under it, to produce in evidence the county treasurer's deed, duly executed and recorded, the assessments signed by the county commissioners and certified by them or their clerk to the county treasurer, and to prove that the county treasurer complied with the requirements of law in advertising and selling.

27 Me. 293; *101 Me. 234; *122 Me. 368. See c. 14, § 87.

Sec. 63. County commissioners may repair county roads and bridges in unincorporated places in case of sudden injury, and assess the expense thereof; appointment of agents. R. S. c. 10, § 63. County commissioners, in case of sudden injury to county roads and bridges in unincorporated townships and tracts of land in their counties, or where said roads and bridges are rendered impassable by snow, may cause them to be repaired or made passable forthwith, or as soon as they deem necessary, and may appoint an agent or agents not members of their own board, to superintend the expenditure therefor, who shall give bond as required in section fifty-eight, if required, the whole expense whereof shall be added to their next assessment on said lands for repairs, authorized by section sixty, which assessment shall create a lien upon said lands for the whole amount thereof as effectually as is now provided in relation to repairs on such county roads. That portion of said assessment which is for repairs of sudden injuries as aforesaid, shall be set down, in the assessment, in distinct items in a separate column, and shall be enforced as is provided in section sixty-one.

Sec. 64. Purchasers acquire state's title only, and have no claim on the state. R. S. c. 10, § 64. Purchasers of land sold for non-payment of state and county taxes, and assessments for opening, making, and repairing roads, have no claim against the state or county for any defect in the title under such sale, notwithstanding any irregularities in the proceedings, or failure to comply with the law under which the sales were made. Deeds given pursuant to sales made for non-payment of state and county taxes vest in the grantee the title of the state, or of the county, to the lands sold, subject to the conditions of sale, and no more.

*34 Me. 269; 121 Me. 121, 128. See c. 14, §§ 31, 81, 87.

Sec. 65. Part owner may redeem his share. R. S. c. 10, § 65. Any person having a legal interest in a tract so advertised, sold, or forfeited may redeem his interest by paying within the times prescribed, the amount so required to discharge the claim thereon. The rate of interest upon unpaid state and county taxes, and taxes assessed by county commissioners for opening, making, and repairing roads, shall be twenty per cent a year, commencing at the expiration of one year from the date of the assessments, except when otherwise provided.

State Tax Sales.

Sec. 66. Limitation of action to recover wild land sold and deeded for non-payment of taxes. R. S. c. 10, § 66. When the state has taxed wild land, and the treasurer of state has conveyed it, or part of it, for non-payment of tax, by deed purporting to convey the interest of the state by forfeiture for such non-payment and his records show that the grantee, his heirs or assigns, has paid the state and county taxes thereon, or on his acres or interest therein as stated in the deed, continuously for the twenty years subsequent to such deed; and when a person claims under a recorded deed describing wild land taxed by the state, and the record of the treasurer of state shows that he has, by himself or

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by his predecessors under such deed, paid the state and county taxes thereon, or on his acres or interest therein as stated in the deed, continuously for twenty years subsequent to recording such deed; and whenever, in either case, it appears that the person claiming under such a deed, and those under whom he claims, have, during such period, held such exclusive, peaceable, continuous, and adverse possession thereof as comports with the ordinary management of wild lands in this state, and it further appears that during such period no former owner, or person claiming under him, has paid any such tax, or any assessment by the county commissioners, or done any other act indicative of ownership, no action shall be maintained by a former owner, or those claiming under him, to recover such land, or to avoid such deed, unless commenced within said twenty years. Such payment shall give such grantee or person claiming as aforesaid, his heirs or assigns, a right of entry and seizin in the whole, or such part, in common and undivided, of the whole tract as the deed states, or as the number of acres in the deed is to the number of acres assessed.

201 U. S. 359; 98 Me. 272; *102 Me. 227; 105 Me. 444.

Sec. 67. Action may be commenced within ten years, after removal of disability. R. S. c. 10, § 67. If any such former owner, or person claiming under him, during said period of twenty years, or any portion thereof, is a minor, insane, imprisoned, or absent from the United States he may, if otherwise entitled, bring such action at any time within ten years after such disability is removed, notwithstanding said period of twenty years has expired. And if such person dies during the continuance of the disability, and no determination or judgment has been had on his title or right of action, such action may be brought by his heirs, or other person claiming under him, at any time within ten years after his death, notwithstanding the twenty years have elapsed.

98 Me. 272.

Sec. 68. Sections 66, 67, not applicable to certain cases. R. S. c. 10, § 68. The two preceding sections shall not apply to actions between co-tenants, nor to actions pending in court on the twenty-seventh day of April, eighteen hundred ninety-five, nor to those commenced before the first day of January, nineteen hundred.

98 Me. 276.

Assessment of Taxes in Incorporated Places.

Sec. 69. Treasurer of state to send warrants for assessment on towns of state tax. R. S. c. 10, § 69. When a state tax is imposed and required to be assessed by the proper officers of towns, the treasurer of state shall send such warrants as he is, from time to time, ordered to issue for the assessment thereof, to the assessors requiring them forthwith to assess the sum apportioned to their town or place, and to commit their assessment to the constable or collector for collection.

Sec. 70. County commissioners to make annual estimates for county taxes. R. S. c. 10, § 70. In order to assess a county tax, county commissioners, at their regular session next before the first day of each January in which the legislature meets, shall prepare estimates of the sums necessary to defray the expenses which have accrued or may probably accrue for one year from said day, including the building and repairing of jails, courthouses and appurtenances, with the debts owed by their counties, and like estimates for the succeeding year, and the county tax for both said years shall be granted by the legislature separately at the same session.

Sec. 71. Estimates to be recorded and transmitted to secretary of state. R.

S. c. 10, § 71. Said estimates shall be recorded by their clerk in a book; and a copy thereof shall be signed by the chairman of the county commissioners, and attested by their clerk, who shall transmit it to the office of the secretary of state on or before the first day of each January in which the legislature meets, to be by him laid before the legislature.

See c. 16, § 12.

Sec. 72. County commissioners to apportion sums to be assessed, and to issue warrants to assessors. R. S. c. 10, § 72. When a county tax is authorized, the county commissioners shall in March, in the year for which such tax is granted, apportion it upon the towns and other places according to the last state valuation, and fix the time for the payment of the same, which shall not be earlier than the first day of the following September. They may add such sum above the sum so authorized, not exceeding two per cent of said sum, as a fractional division renders convenient, and certify that fact in the record of said apportionment, and issue their warrant to the assessors requiring them forthwith to assess the sum apportioned to their town or place, and to commit their assessment to the constable or collector for collection.

Sec. 73. Tax illegal, unless raised at legal meeting. R. S. c. 10, § 73. No assessment of a tax by a town is legal, unless the sum assessed is raised by vote of the voters at a meeting legally called and notified.

See c. 14, § 82; *68 Me. 357; 86 Me. 533; *98 Me. 153.

Sec. 74. Assessors to give notice to bring in lists of taxable property; if no lists are brought in, no claim for abatement. R. S. c. 10, § 74. Before making an assessment, the assessors shall give seasonable notice in writing to the inhabitants, by posting notifications in some public place in the town, or shall notify them, in such other way as the town at its annual meeting directs, to make and bring in to them true and perfect lists of their polls and all their estates real and personal, not by law exempt from taxation, of which they were possessed on the first day of April of the same year. If any resident owner after such notice does not bring in such list, he is thereby barred of his right to make application to the assessors or the county commissioners for any abatement of his taxes, unless he offers such list with his application and satisfies them that he was unable to offer it at the time appointed.

3 Me. 300; 37 Me. 562; 53 Me. 507; *57 Me. 278, 280; 66 Me. 176, 387; 68 Me. 352, 356; *76 Me. 461, 467; 81 Me. 310; 85 Me. 330; 90 Me. 491; 98 Me. 50, 150, 153; 102 Me. 141; *106 Me. 235; *108 Me. 533; 111 Me. 321.

Sec. 75. Assessors to ascertain value of estate. R. S. c. 10, § 75. The assessors shall ascertain as nearly as may be, the nature, amount and value of the estate, real and personal, for which in their judgment the owner is liable to be taxed, and shall estimate and record separately the land value, exclusive of buildings, of each parcel of real estate.

Sec. 76. Persons may be required to swear to lists; refusal bars appeal. R. S. c. 10, § 76. The assessors or either of them may require the person presenting such list to make oath to its truth, which oath either of them may administer, and either of them may require him to answer all proper inquiries in writing as to the nature, situation, and value of his property liable to be taxed in the state, and a refusal or neglect to answer such inquiries and subscribe the same bars an appeal to the county commissioners, but such list and answers shall not be conclusive upon the assessors.

*53 Me. 507; *57 Me. 278; 66 Me. 176; 67 Me. 436; 76 Me. 467; *108 Me. 533.

Sec. 77. Assessors may make abatements; record to be kept in book form and open to public inspection; report. R. S. c. 10, § 77. 1923, c. 131. The assessors for the time being, on written application, stating the grounds therefor, within two years from the assessment, may make such reasonable abatement as

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they think proper. If after two years from the date of assessment a collector is satisfied that a poll-tax or tax upon personal property, or any portion of any tax, committed to him or to any of his predecessors in office for collection, cannot be collected by reason of the death, absence, poverty, insolvency, bankruptcy, or other inability of the person assessed to pay, he shall notify the assessors thereof in writing, under oath, stating the reason why such tax cannot be collected. The assessors, after due inquiry, may abate such tax or any part thereof, and shall certify such abatement in writing to the collector; and said certificate shall discharge the collector from further obligation to collect the tax so abated. When such abatement is made, a record thereof together with the name of the party or parties benefited by the abatement, and the amount of the abatement together with the reasons for such abatement, shall, within thirty days after such abatement, be made and kept in suitable book form open to the public at reasonable times, and a report of the same be made to the town at its annual meeting, and to the mayor and aldermen of cities, by the first Monday in each March.

19 Me. 330; 33 Me. 446; 57 Me. 280; 67 Me. 435; 76 Me. 467; 77 Me. 410; 102 Me. 141; 122 Me. 24; 127 Me. 137.

Note. Right to petition and appeal from reassessment ordered by board of state assessors, c. 12, § 10.

Sec. 78. Notice of decision. R. S. c. 10, § 78. They shall give to any person applying to them for an abatement of taxes, notice in writing of their decision upon such application within ten days after they take final action thereon.

99 Me. 265; 102 Me. 142.

Sec. 79. Appeal to county commissioners; proceedings thereon; appeal to supreme judicial court. R. S. c. 10, § 79. If they refuse to make the abatement asked for, the applicant may apply to the county commissioners at their next meeting, and if they think that he is overrated, he shall be relieved by them, and be reimbursed out of the town treasury the amount of their abatement, with incidental charges. The commissioners may require the assessors or town clerk to produce the valuation, by which the assessment was made, or a copy of it. If the applicant fails, the commissioners shall allow costs to the town, taxed as in a suit in the supreme judicial court, and issue their warrant of distress for collection thereof against him; either party may appeal from the decision of said county commissioners to the supreme judicial court, under the same conditions that an appeal lies from the assessors to the supreme judicial court.

33 Me. 446; 57 Me. 280; 66 Me. 225; 67 Me. 435; 76 Me. 467; *77 Me. 410; *99 Me. 268; 102 Me. 142; 122 Me. 304; 123 Me. 121; *125 Me. 27; 125 Me. 138.

Sec. 80. Appeals from assessors to supreme judicial court. R. S. c. 10, § 80. Any person entitled to make a complaint to the county commissioners for an abatement of his taxes may, if he so elect, appeal under the same terms and conditions from the decision of the assessors to the supreme judicial court for the county in which the city or town, in which the property of such person is assessed, is situated.

98 Me. 296; 99 Me. 264; 102 Me. 404; 116 Me. 208; 122 Me. 304; 123 Me. 121; 125 Me. 138.

Sec. 81. Entry of appeal; hearing. R. S. c. 10, § 81. Such appeal shall be entered at the term first occurring not less than thirty days after the assessors shall have given to the appellant notice in writing of their decision upon his application for such abatement, and notice thereon shall be ordered by said court in term time or by any justice thereof in vacation, and said appeal shall be tried, heard, and determined by the court without a jury in the manner and with the rights provided by law in other civil cases so heard.

102 Me. 404.

Sec. 82. Proceedings and judgment; lien to continue for thirty days; how enforced. **R. S. c. 10, § 82.** If upon such trial it appears that the appellant has complied with all provisions of law, he may be granted such abatement as said court may deem reasonable, under the same circumstances as an abatement may be granted by the county commissioners. If no abatement is granted, judgment shall be rendered in favor of the city or town, and for its costs, to be taxed by the court. If an abatement is granted, judgment shall be rendered in favor of the city or town for such amount, if any, as may be due, after deducting the abatement, and the court may make such order relating to the payment of costs as justice shall require. In either case execution shall issue. The lien created by statute on real estate to secure the payment of taxes shall be continued for thirty days after the rendition of judgment, and may be enforced by sale of said real estate on execution, in the same manner as attachable real estate may be sold under the provisions of section thirty-two, chapter eighty-nine, and with the same right of redemption. Claims for abatement on several parcels of real estate may be embraced in one appeal, but judgment shall be rendered, and execution shall issue, for the amount of taxes due on each several parcel. The final judgment of the court shall be forthwith certified by the clerk to the assessors of the town or city where such tax was assessed, and such assessors shall in all cases carry into full effect the judgment of the appellate court in the same manner as if made by themselves. If it shall be alleged in the application that the applicant has paid the taxes for which he has been assessed, and if the court shall so find, judgment for the amount of the abatement granted shall be rendered against the city or town, and execution therefor, and for such costs as may be awarded, shall issue as in civil actions.

99 Me. 268; 102 Me. 404.

Sec. 83. Trial and exceptions. **R. S. c. 10, § 83.** Such appeal shall be tried at the term to which the notice is returnable, unless delay shall be granted at the request of such city or town for good cause; and said court shall, if requested by such city or town, advance the case upon the docket so that it may be tried and decided with as little delay as possible. Either party may file exceptions to the decisions and rulings of the court upon matters of law arising upon the trial, in the same manner and with the same effect as is allowed in the supreme judicial court in the trial of cases without a jury.

Sec. 84. Appeals to supreme judicial court referred to state assessors, or commissioner may be appointed. **R. S. c. 10, § 84.** All appeals to the supreme judicial court under the provisions of section eighty may be referred by the court to the board of state assessors, who shall hear the parties and report their findings to the court together with a transcript of the evidence. Such report shall be prima facie evidence of the facts thereby found; or the court may in its discretion appoint a commissioner to hear the parties and to report to the court the facts, or the facts with the evidence. Such report shall be prima facie evidence of the facts thereby found. The fees of the commissioner shall be paid in the same manner as those of auditors appointed by the court.

Sec. 85. Assessments and commitment. **R. S. c. 10, § 85.** The assessors shall assess upon the polls and estates in their town all town taxes and their due proportion of any state or county tax, according to the rules in the latest act for raising a state tax, and in this chapter; make perfect lists thereof under their hands; and commit the same to the constable or collector of their town, if any, otherwise to the sheriff of the county or his deputy, with a warrant under their hands, in the form hereinafter prescribed.

4 Me. 75; 51 Me. 599; 52 Me. 589; 58 Me. 517, 532; 64 Me. 190; 71 Me. 182; 82 Me. 194; 87 Me. 121; 93 Me. 178; 94 Me. 356.

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Sec. 86. State and county taxes to be added. R. S. c. 10, § 86. They may add their proportion of the state and county tax to any of their other taxes, and make one warrant and their certificates accordingly.

71 Me. 183; 93 Me. 178.

Sec. 87. Overlay not to exceed five per cent. R. S. c. 10, § 87. They may assess on the polls and estates such sum above the sum committed to them to assess, not exceeding five per cent thereof, as a fractional division renders convenient, and certify that fact to their town treasurer.

See § 36; c. 14, § 94; 83 Me. 533; 93 Me. 178.

Sec. 88. Record of assessment and valuation, to be deposited in assessors' office. R. S. c. 10, § 88. They shall make a record of their assessment and of the invoice and valuation from which it was made; and before the taxes are committed to the officer for collection, they shall deposit it, or a copy of it, in the assessors' office, if any, otherwise with the town clerk, there to remain; and any place, where the assessors usually meet to transact business and keep their papers or books, shall be considered their office.

58 Me. 529; *71 Me. 183; 87 Me. 122; 93 Me. 178; 94 Me. 356; 102 Me. 419.

Sec. 89. Certificates to be sent to treasurer of state and county treasurer. R. S. c. 10, § 89. When they have assessed any county tax and committed it to the officer for collection, they shall return to the county treasurer a certificate thereof with the name of such officer. When they have so assessed and committed a state tax, they shall return a like certificate to the treasurer of state; and if this is not done, and any part of such tax remains unpaid for sixty days after the time fixed for its payment, the treasurer of state shall issue his warrant to the sheriff or his deputy to collect the sum unpaid of the inhabitants of the town or place.

See c. 14, § 94.

Sec. 90. Selectmen to be assessors in certain events; compensation. R. S. c. 10, § 90. If any town does not choose assessors, the selectmen shall be the assessors, and each of them shall be sworn as an assessor; and each selectman and assessor shall be paid for his services two dollars and fifty cents for every day necessarily and actually employed in the service of the town. Towns having three thousand or more inhabitants may vote to pay their selectmen a compensation not exceeding five dollars a day for time actually spent in the service of the town, and a town having less than three thousand inhabitants may, by major vote at its annual town meeting fix the compensation of its board of selectmen, allowing such sum as may be commensurate with the duties of the office.

See c. 5, § 30; 51 Me. 600; 55 Me. 503; 61 Me. 546; *75 Me. 298; 76 Me. 416; 78 Me. 569; 87 Me. 221.

Sec. 91. Penalty for neglect to choose. R. S. c. 10, § 91. Any town neglecting to choose selectmen or assessors forfeits to the state not exceeding three hundred, nor less than one hundred dollars, as the supreme judicial court orders.

Sec. 92. When no assessors, county commissioners may appoint; proceedings thereon. R. S. c. 10, § 92. In such case, and when the selectmen and assessors chosen by a town do not accept the trust, the county commissioners may appoint three or more suitable persons in the county to be assessors of taxes, and such assessors, being duly sworn, shall assess upon the polls and estates in the town their due proportion of state and county taxes and said penalty, and not exceeding two dollars and fifty cents a day each for their own reasonable charges for time and expense in said service; and shall issue a warrant under their hands for collecting the same, and transmit a certificate thereof to the treasurer of state, with the name of the person to whom it is committed; and the assessors shall be paid their charges as allowed by said commissioners out of the state treasury.

Sec. 93. Such assessors to obey warrants. R. S. c. 10, § 93. All assessors, chosen or appointed as above provided, shall observe all warrants, received by them while in office, from the treasurer of state, or the county commissioners of their county.

Sec. 94. Penalty for neglect to make assessments of state tax. R. S. c. 10, § 94. If assessors of a town refuse or neglect to assess any state tax apportioned on it and required by the warrant of the treasurer of state to be assessed by them, they forfeit to the state the full sum mentioned in such warrant and such treasurer shall issue his warrant to the sheriff of the county to levy said sum by distress and sale of their real and personal estate.

Sec. 95. Penalty for neglect to assess county tax. R. S. c. 10, § 95. If such assessors neglect to assess the county tax required in the warrant of the county commissioners to be assessed by them, they forfeit that sum to the county; and it shall be levied by sale of their real and personal estate, by virtue of a warrant issued by the county treasurer to the sheriff of the county for that purpose.

Sec. 96. Assessors may be arrested and other assessors may be appointed. R. S. c. 10, § 96. If the sheriff cannot find property of said assessors to satisfy the sum due on either of said warrants, he may arrest and imprison them, until they pay the same; and the county commissioners shall forthwith appoint other proper persons to be assessors of such state and county taxes, who shall be sworn, and perform the same duties, and be liable to the same penalties, as the former assessors.

98 Me. 131.

Sec. 97. Towns neglecting to assess, treasurer to issue warrant to sheriff to collect. R. S. c. 10, § 97. If the inhabitants of a town of which a state tax is required, neglect for five months, after having received the warrant of the treasurer of state for assessing it, to choose assessors to assess it, and cause the assessment thereof to be certified to such treasurer for the time being, he shall issue his warrant, under his hand, to the sheriff of the same county, who shall proceed to levy such sums on the real and personal property of any inhabitants of such town, observing the regulations provided for satisfying warrants against deficient collectors, as prescribed in chapter eleven. But if the assessors thereof, within sixty days from the receipt of a copy of such warrant from the officer, deliver to him a certificate, according to law, of the assessment of the taxes required by the warrant, and pay him his legal fees, he shall forthwith transmit the certificate to the treasurer of state, and return the warrant unsatisfied.

Sec. 98. For like neglect, county treasurer to issue warrant. R. S. c. 10, § 98. If the inhabitants of a town of which a county tax is required neglect to choose and keep in office assessors to assess it, as the law requires, the county treasurer, for the time being, after five months from the time when they received the county commissioners' warrant for assessing it, shall issue his warrant to the sheriff, requiring him to levy and collect the sum mentioned therein; and he shall execute it, observing the regulations and subject to the conditions provided in the preceding section.

Sec. 99. Warrants to be issued to collect of inhabitants, if not collected of assessors. R. S. c. 10, § 99. If the voters of a town of which a state or county tax is required, choose assessors who neglect to assess the tax required by the warrant issued to them, and to certify it as the law directs; and if the estates of such assessors are insufficient to pay such taxes as are already provided, the treasurer of state, or of the county, as the case may be, for the time being, shall issue his warrant to the sheriff of such county, requiring him to levy, by distress and sale, such deficiency on the real and personal estates of such inhabitants;

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and the sheriff or his deputy shall execute such warrants, observing all the provisions mentioned in section ninety-seven.

See c. 14, § 70.

Sec. 100. Penalty on assessors for refusing to be sworn; vacancy, how filled. **R. S. c. 10, § 100.** Any assessor, chosen and notified to take the oath of office, unreasonably refusing to be sworn, forfeits to the town fifteen dollars, to be recovered by their treasurer in an action of debt; and the selectmen shall forthwith call a town meeting to fill the vacancy.

See § 107; c. 5, § 28.

Assessment of Taxes in Plantations.

Sec. 101. Plantations taxed, have power of towns for such purpose. **R. S. c. 10, § 101.** All plantations required to pay any part of the public taxes are vested with the same power as towns, so far as relates to the choice of clerk, assessors, and collector of taxes; and any person, chosen assessor therein, and refusing to accept, or to take the legal oath, after due notice, is liable to the same penalty, to be recovered in the manner mentioned in the preceding section; and the other assessors shall forthwith call a plantation meeting to fill the vacancy.

See c. 14, § 17; c. 5, §§ 199, 200; 65 Me. 346.

Sec. 102. Subject to same penalties. **R. S. c. 10, § 102.** If any such plantation neglects to choose a clerk, assessors, and collector of taxes, or if the assessors chosen neglect their duty, it shall be subject to the same penalties and proceeded against in the same manner as towns deficient in the same respect.

See c. 14, § 58.

Sec. 103. Officers to be sworn. **R. S. c. 10, § 103.** The clerk, assessors, and collector shall be sworn as similar officers chosen by a town, and shall receive the same compensation, unless otherwise agreed.

See c. 5, §§ 19, 198.

Sec. 104. When a tax is laid on a place not incorporated, county commissioners may cause it to be organized as a plantation. **R. S. c. 10, § 104.** When a state or county tax is laid on a place not incorporated or organized, the treasurer of state or county commissioners of that county may cause the same to be organized as provided in chapter five, sections one hundred seventy-seven and one hundred seventy-eight, for the organization of plantations ascertained to contain two hundred inhabitants. If the inhabitant to whom the warrant is directed fails to perform the duties required of him, he forfeits the sums due for state and county taxes, to be recovered by the treasurer to whom the tax is payable.

See c. 5, § 193.

Sec. 105. Assessors to make list of polls, etc. **R. S. c. 10, § 105.** The assessors shall thereupon take a list of the ratable polls, and a valuation of the estates of the inhabitants of the plantation, and proceed to assess taxes and cause the same to be collected as required by law.

Sec. 106. Laws applicable. **R. S. c. 10, § 106.** All laws applicable to organized plantations apply to plantations organized under section one hundred and four.

Sec. 107. Neglect to be sworn. **R. S. c. 10, § 107.** Plantation officers neglecting to be sworn when notified are liable to the same penalties as town officers so neglecting, to be recovered in the same manner.

See § 100; c. 5, §§ 28, 108.

CHAPTER 14.

The Collection of Taxes.

- Sections 1- 64 Collection of Taxes in Incorporated Places.
 Sections 65- 71 Special Provisions.
 Sections 72- 83 Sales of Land for Taxes in Incorporated Places.
 Sections 84- 87 Additional Provisions.
 Sections 88- 94 Collection of Taxes on Organized Plantations taxed as Wild Lands.
 Sections 95-100 Actions by Treasurer of State.

Collection of Taxes in Incorporated Places.

Sec. 1. Towns may fix time for payment and require interest; poll-tax due May first. R. S. c. 11, § 1. 1917, c. 163. Towns, at their annual meetings, may determine when the lists named in section eighty-five of chapter thirteen shall be committed and when their taxes shall be payable, and that interest shall be collected thereafter; provided, however, that any town or city may provide at its annual meeting that the poll taxes shall be due and payable on the first day of May and the commitment of the lists of poll tax payers shall be made to the collector prior to that date.

71 Me. 182; *77 Me. 431; *82 Me. 194; 122 Me. 86.

Sec. 2. Rate. R. S. c. 11, § 2. The rate of such interest, not exceeding one per cent a month, shall be specified in the vote, and shall be added to, and become part of the taxes.

77 Me. 431; 82 Me. 194.

Sec. 3. Collection of state taxes. R. S. c. 11, § 3. All state taxes hereafter assessed shall be collected by the collectors or constables of the several towns and paid by them to the treasurers of their respective towns as other taxes are paid. Said treasurers shall pay such taxes to the treasurer of state.

Sec. 4. Issue of warrants for state tax. R. S. c. 11, § 4. On or before the first day of September in each year, the treasurer of state shall issue his warrant to the treasurer of each town therein requiring him to transmit and pay said town's proportion of the state tax for the year nineteen hundred and , to , treasurer of state, or to his successor in office, on or before the time at which they are required to pay such tax.

Sec. 5. Warrants issued to collect taxes of delinquent towns. R. S. c. 11, § 5. When the time for the payment of a state tax to the treasurer of state has expired, and it is unpaid, the treasurer of state shall give notice thereof to the municipal officers of any delinquent town, and unless such tax shall be paid within sixty days, the treasurer of state may issue his warrant to the sheriff of the county, requiring him to levy, by distress and sale, upon the real and personal property of any of the inhabitants of the town; and the sheriff or his deputy shall execute such warrants, observing the regulations provided for satisfying warrants against deficient collectors prescribed by this chapter.

Sec. 6. Collection of county taxes. R. S. c. 11, § 6. All county taxes hereafter assessed shall be collected by the collectors or constables of the several towns and paid by them to the treasurers of their respective towns as other taxes

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are paid. Said treasurers shall pay such taxes to the county treasurers of their respective counties.

Sec. 7. Warrants issued by county treasurer, for collection of county taxes; if not paid within forty days, warrant to be issued to sheriff to collect tax. R. S. c. 11, § 7. On or before the first day of September of each year, the county treasurer shall issue his warrants to the treasurers of the several towns in his county, requiring them to transmit and pay their town's proportion of the county tax for the year nineteen hundred and , to , county treasurer, or his successor in office, on or before the time fixed by law for said payment. And if said town treasurer fails to pay such county tax for forty days after the time fixed therefor, said county treasurer shall issue his warrant directed to the sheriff of the county, requiring him to levy it, by distress and sale, on real and personal property of any of the inhabitants of the town. And the sheriff or his deputy shall execute such warrants, observing all the provisions mentioned in section ninety-seven of chapter thirteen.

Sec. 8. Form of warrant for collection of state taxes. R. S. c. 11, § 8. The warrant to be issued by selectmen or assessors for collection of state taxes shall be in substance as follows:

ss. A. B., constable or collector of the town of , within the county of : Greeting:

In the name of the State of Maine, you are hereby required to levy and collect of each of the several persons named in the list herewith committed unto you, his respective proportion therein set down, of the sum total of such list, it being said town's proportion of the state tax for the year 19 ; and to transmit and pay the same to , the treasurer of your town, or to his successor in office, and to complete and make an account of your collections of the whole sum on or before the day of next. And if any person refuses or neglects to pay the sum which he is assessed in said list, you shall distrain his goods or chattels to the value thereof, and keep the distress so taken for four days at the cost and charge of the owner; and if he does not pay the sum so assessed within said four days, then you shall sell at public vendue such distress for payment thereof with charges; first giving forty-eight hours' notice thereof by posting advertisements in some public place in the town or plantation, as the case may be; and the overplus arising by such sale, if any, beyond the sum assessed and the necessary charges of taking and keeping the distress, you shall immediately restore to the owner; and for want for twelve days, of goods and chattels, whereon to make distress, except implements, tools and articles of furniture exempt from attachment for debt, you shall take the body of such person so refusing or neglecting, and him commit to the jail of the county, there to remain until he pays the same, or such part thereof, as is not abated by the assessors for the time being, or the county commissioners for said county.

Given under our hands, by virtue of a warrant from the treasurer aforesaid, this day of nineteen hundred and .

Assessors.

And a certificate of the assessment of any state tax shall be in substance as follows:

Pursuant to a warrant from the treasurer of the State of Maine dated the day of , nineteen hundred and , we have assessed the poll and estates of the of , the sum of dollars and cents, and have committed lists thereof to the of said , viz: to , with warrants in due form of law for collecting and paying the same to , town treasurer of , or his successor in office, on or before the day of , next ensuing.

In witness whereof, we have hereunto set our hands at this
day of , nineteen hundred and .

Assessors.

No error or informality in the warrant so far as it relates to the description of the officer to whom any tax is to be paid by the collector shall render the same invalid, or relieve the collector from the duty of complying with the provisions of the statute in that behalf, or from liability on account of failure so to do.

*3 Me. 301; 4 Me. 75; 20 Me. 202; 40 Me. 528; 41 Me. 538; 55 Me. 503; 57 Me. 61; 61 Me. 552; 65 Me. 24; *68 Me. 161; 71 Me. 182; 73 Me. 126, 181; *74 Me. 410; *79 Me. 189.

Sec. 9. Warrant for county and town taxes. R. S. c. 11, § 9. The warrant for collection of county or town taxes shall be made by the assessors in the same tenor, with proper changes.

71 Me. 183; 73 Me. 126; *74 Me. 410.

Sec. 10. New warrant issued in case of loss. R. S. c. 11, § 10. When an original warrant issued by assessors and delivered to a constable or collector for collection of a tax has been lost or destroyed by accident, the assessors may issue a new warrant for that purpose, which shall have the same force as the original.

*79 Me. 188.

Sec. 11. Compensation of collectors. R. S. c. 11, § 11. When towns choose collectors, they may agree what sum shall be allowed for performance of their duties.

98 Me. 90.

Sec. 12. Fees of collector. R. S. c. 11, § 12. In case of distress or commitment for non-payment of taxes, the officer shall have the same fees which sheriffs have for levying executions, except that travel, in case of distress, shall be computed only from the dwelling-house of the officer to the place where it is made.

Sec. 13. Collector to receive a warrant. R. S. c. 11, § 13. Every collector or constable, required to collect taxes, shall receive a warrant from the selectmen or assessors of the kind hereinbefore mentioned, and shall faithfully obey its directions.

Sec. 14. Bond of collector. R. S. c. 11, § 14. The assessors shall require such constable or collector to give bond for the faithful discharge of his duty, to the inhabitants of the town, in such sum, and with such sureties, as the municipal officers approve; and bonds of collectors of plantations shall be given to the inhabitants thereof, approved by the assessors, with like conditions.

See §§ 23, 36, 38, 55, 57; c. 5, § 17; 1 Me. 250; 3 Me. 301; 4 Me. 75; 8 Me. 341; 15 Me. 28, 29; 20 Me. 202; 31 Me. 281; 41 Me. 538; 44 Me. 50; 47 Me. 518; 50 Me. 40, 351; *53 Me. 254; 55 Me. 501; 57 Me. 62; 61 Me. 555; 64 Me. 403; *68 Me. 161, 162; *69 Me. 334, 369; 73 Me. 181; *98 Me. 90.

Sec. 15. Record of bond. R. S. c. 11, § 15. Such bond shall, after its approval and acceptance, be recorded by the clerk in the town or plantation records, and such record shall be prima facie evidence of the contents of such bond, but a failure to so record shall be no defense in any action upon such bond.

Sec. 16. Receipts for taxes given on demand. R. S. c. 11, § 16. When a tax is paid to a collector or constable, he shall give a receipt therefor on demand; and if he neglects or refuses so to do, he forfeits five dollars to the aggrieved party, to be recovered in an action of debt.

122 Me. 416.

Sec. 17. Plantation may choose collectors. R. S. c. 11, § 17. All plantations, required to pay any portion of the public taxes, have all the powers of towns so far as relates to the choice of constables and collectors and the requiring bonds from them.

See c. 13, § 101.

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Sec. 18. Collectors to distrain if taxes are not paid; notice of sale. R. S. c. 11, § 18. If a person refuses to pay any part of the tax assessed against him in accordance with this chapter, the person whose duty it is to collect the same may distrain him by any of his goods and chattels not exempt, for the whole or any part of his tax, and may keep such distress for four days at the expense of the owner, and if he does not pay his tax within that time, the distress shall be openly sold at vendue by the officer for its payment. Notice of such sale shall be posted in some public place in the town, at least forty-eight hours before the expiration of said four days.

See c. 13, § 11; 40 Me. 528; 49 Me. 357; *61 Me. 402; 62 Me. 462; 65 Me. 24; *75 Me. 391, 394.

Sec. 19. Overplus. R. S. c. 11, § 19. The officer, after deducting the tax and expense of sale, shall restore the balance to the former owner, with a written account of the sale and charges.

*32 Me. 558, 560; *59 Me. 297.

Sec. 20. Arrest after twelve days' notice. R. S. c. 11, § 20. If a person so assessed, for twelve days after demand, refuses or neglects to pay his tax and to show the constable or collector sufficient goods and chattels to pay it, such officer may arrest and commit him to jail, until he pays it or is discharged by law.

19 Me. 328; 47 Me. 172; 49 Me. 430; 61 Me. 556; *71 Me. 406; *88 Me. 454; *109 Me. 327; *113 Me. 446; 114 Me. 487.

Sec. 21. May demand immediate payment. R. S. c. 11, § 21. If the assessors think that there are just grounds to fear that any person so assessed may abscond before the end of said twelve days, the constable or collector may demand immediate payment, and on refusal, he may commit him as aforesaid.

See § 67; *113 Me. 446.

Sec. 22. When payable by instalments, whole may be demanded of one about to remove. R. S. c. 11, § 22. When a tax is made payable by instalments, and any person who was an inhabitant of the town at the time of making such tax, and assessed therein, is about to remove therefrom before the time fixed for any payment, the collector or constable may demand and levy the whole tax, though the time for collecting any instalment has not arrived; and in default of payment he may distrain for it, or take the course provided in section twenty.

See § 67.

Sec. 23. Former collectors to complete collections. R. S. c. 11, § 23. When new constables or collectors are chosen and sworn before the former officers have perfected their collections, the latter shall complete the same, as if others had not been chosen and sworn.

See §§ 36, 55, 57; 47 Me. 172; 53 Me. 256.

Sec. 24. Collectors may distrain shares in a corporation. R. S. c. 11, § 24. For non-payment of taxes, the collector or constable may distrain the shares owned by the delinquent in the stock of any corporation; and the same proceedings shall be had as when like property is seized and sold on execution.

Sec. 25. Duties of officers of the corporation. R. S. c. 11, § 25. The proper officer of such corporation, on request of such constable or collector, shall give him a certificate of the shares or interest owned by the delinquent therein, and issue to the purchaser certificates of such shares according to the by-laws of the corporation.

Sec. 26. Collectors may collect in any part of state, of persons removed. R. S. c. 11, § 26. When a person, taxed in a town in which he was living at the time of assessment, removes therefrom before paying his tax, such constable or collector may demand it of him in any part of the state, and, if he refuses to pay, may distrain him by his goods, and for want thereof may commit him to the

jail of the county where he is found, to remain until his tax is paid; and he shall have the same power to distrain property and arrest the body in any part of the state, as in the place where the tax is assessed.

See §§ 20, 32, 33; c. 13, § 34; 113 Me. *446.

Sec. 27. Collector or administrator may sue for taxes; town magistrate may try case; no costs for plaintiff unless demand is made before suit. R. S. c. 11, § 27. Any collector of taxes, or his executor or administrator, may, after demand for payment, sue in his own name for any tax, in an action of debt, and no trial justice or judge of any municipal or police court before whom such suit is brought is incompetent to try the same by reason of his residence in the town assessing said tax. Where before suit the person taxed dies or removes to any other town or place in the state, or, being an unmarried woman, marries, the aforesaid demand is not requisite, but the plaintiff shall recover no costs unless payment was demanded before suit.

See §§ 28, 32, 64, 95; 50 Me. 377; 61 Me. 546; 77 Me. 55, 410; 82 Me. 156; *83 Me. 532; *86 Me. 365; 89 Me. 578; 110 Me. 199; 113 Me. 446; 114 Me. 487.

Sec. 28. Lien for taxes enforced by action of debt; notice to taxpayer; judgment and costs; redemption. R. S. c. 11, § 28. The lien on real estate created by section three of chapter thirteen may be enforced in the following manner, provided, however, that in the inventory and valuation upon which the assessment is made, there shall be a description of the real estate taxed, sufficiently accurate to identify it. Any officer to whom a tax has been committed for collection, except a collector elected or appointed under section ninety, may, after the expiration of eight months from the date of commitment to him of said tax, give to the person against whom said tax is assessed, or leave at his last and usual place of abode, if then a resident of the town where said real estate lies, a notice in writing signed by said officer, stating the amount of such tax, describing the real estate on which the tax is assessed, and demanding the payment of such tax within ten days after service of such notice. After the expiration of said ten days, in case of a resident, and in all cases within one year after the date of commitment to him of said tax, such officer may bring an action of debt for the collection of said tax, in his own name, in the county where the land lies, against the person against whom said tax is assessed. Such action shall be begun by writ of attachment commanding the officer serving it to specially attach the real estate upon which the lien is claimed, which shall be served as other writs of attachment to enforce liens on real estate. The declaration in such action shall contain a statement of such tax, a description of the real estate contained in said notice, and an allegation that a lien is claimed on said real estate to secure the payment of the tax. If no service is made upon the defendant, or if it shall appear that other persons are interested in such real estate, the court shall order such further notice of said action as appears proper, and shall allow such other persons to become parties thereto. If it shall appear upon trial of said action that such tax was legally assessed on said real estate, and is unpaid, and that there is an existing lien on said real estate for the payment of such tax, judgment shall be rendered for such tax, interest, and costs of suit against the defendants and against the real estate attached, and execution issued thereon to be enforced by sale of such real estate in the manner provided for a sale on execution of real estate attached on original writs. Provided, however, that when the officer sells the real estate on such execution he shall sell the least undivided fractional part thereof that any person bidding will take, and pay the amount due on the execution with all necessary charges of sale; and he shall convey by his deed to the purchaser such part so sold to him, subject to redemption according to law, and the deed shall be construed to convey the right

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of entry and seizing in such part in common and undivided of such property assessed. In all actions brought in the supreme judicial and superior courts under the provisions of this section or of sections ninety-three or ninety-five, full costs shall be recovered notwithstanding the amount of the judgment be twenty dollars or less. Any person interested in said real estate may redeem the same at any time within one year after the sale of the same by the officer on such execution, by paying the amount of such judgment and all costs on such execution with interest at the rate of ten per cent a year. This section shall not affect any other provision of law for the enforcement and collection of taxes upon real estate.

See §§ 27, 32, 64, 93, 95, 96; *89 Me. 337, 384; 106 Me. 177; 108 Me. 125; *113 Me. 446; 115 Me. 402.

Sec. 29. Court may permit amendment of record or deed, when error or defects appear therein. R. S. c. 11, § 29. At the trial of any action for the collection of taxes, or of any action at law or in equity involving the validity of any sale of real estate for non-payment of taxes, if it shall appear that the tax in question was lawfully assessed, the court may permit the collector or other officer to amend his record, return, or deed in accordance with the fact, when circumstantial errors or defects appear therein; provided, that the rights of third parties are not injuriously affected thereby. And if a deed be so amended, and the amended deed be thereupon recorded, it shall have the same effect as if it had been originally made in its amended form.

*108 Me. 125.

Sec. 30. In suits to collect tax on real estate, if record title appears to be in defendant, he shall not deny his title. R. S. c. 11, § 30. In all suits to collect a tax on real estate, if it appears that at the date of the list on which such tax was made, the record title to the real estate listed was in the defendant, he shall not deny his title thereto; provided, however, if any owner of real estate who has conveyed the same shall forthwith file a copy of the description as given in his deed with the date thereof and the name and residence of his grantee, in the registry of deeds where such deed should be recorded, he shall be free from any liability under this section.

Sec. 31. Assessments not void although they include sums raised for an illegal object; persons paying illegal tax may recover of town. R. S. c. 11, § 31. If money not raised for a legal object is assessed with other moneys legally raised, the assessment is not void; nor shall any error, mistake, or omission by the assessors, collector, or treasurer, render it void; but any person paying such tax may bring his action against the town in the supreme judicial court for the same county, and shall recover the sum not raised for a legal object, with twenty-five per cent interest and costs, and any damages which he has sustained by reason of the mistakes, errors, or omissions of such officers.

See §§ 82, 87; c. 5, § 10; c. 13, § 64; c. 19, § 91; 5 Me. 403; 15 Me. 262; 27 Me. 147; *30 Me. 411; *48 Me. 444; 51 Me. 376; 58 Me. 532; *59 Me. 493; *65 Me. 23; *68 Me. 356, 357; 69 Me. 65; 71 Me. 184; 77 Me. 415; 78 Me. 276, 282; 82 Me. 156; 90 Me. 245, 494; *92 Me. 529; 94 Me. 358, 495; 104 Me. 446; 111 Me. 317.

Sec. 32. Collections of non-resident owners of improved lands. R. S. c. 11, § 32. When the owner of improved lands living in this state, but not in the town where the estate lies, is taxed, and neglects, for six months after the lists of assessment are committed to an officer for collection, to pay his tax, such officer may distrain him by his goods and chattels, and for want thereof may commit him to jail in the county where he is found.

25 Me. 362; 47 Me. 172; 74 Me. 284.

Sec. 33. Collection of taxes on personal property of non-residents. R. S. c. 11, § 33. When the owner or possessor of goods, wares, and merchandise, logs,

timber, boards, and other lumber, stock in trade, including stock employed in the business of any of the mechanic arts, horses, mules, or neat cattle resides in any other town than the one in which such personal property is kept and taxed, the constable or collector having a tax on any such property for collection may demand it of such owner or possessor in any part of the state, and on his refusal to pay, may distrain him by his goods, and for want thereof, may commit him to jail in the county where he is found, until he pays it, or is discharged by law.

Sec. 34. Collectors may demand aid; penalty for refusing. R. S. c. 11, § 34. Any collector impeded in collecting taxes, in the execution of his office, may require proper persons to assist him in any town where it is necessary, and any person refusing when so required, shall, on complaint, pay not exceeding six dollars at the discretion of the justice before whom the conviction is had, if it appears that such aid was necessary; and on default of payment, the justice may commit him to jail for forty-eight hours.

Sec. 35. Collectors to make monthly settlements with treasurer. R. S. c. 11, § 35. 1921, c. 75. Every collector of taxes shall, on the last day of each month, pay to the treasurer of the town all money collected by him, and once in two months at least shall exhibit to the municipal officers, or where there are none, to the assessors of his town, a just and true account of all moneys received on taxes committed to him, and produce the treasurer's receipts for money by him paid; and for neglect, he forfeits to the town two and one-half per cent on the sums committed to him to collect.

68 Me. 163; 84 Me. 432.

Sec. 36. Collectors removed or removing may be required to give up tax bills and settle; warrant to new collector. R. S. c. 11, § 36. When a collector having taxes committed to him to collect, has removed; or in the judgment of the municipal officers, assessors, or treasurer of a town is about to remove from the state before the time set in his warrant to make payment to such treasurer; or when the time has elapsed, and the treasurer has issued his warrant of distress; in either case, said officers or committee may call a meeting of such town, to appoint a committee to settle with him for the money that he has received on his tax bills, to demand and receive of him such bills, and to discharge him therefrom; said meeting may elect another constable or collector, and the assessors shall make a new warrant and deliver it to him with said bills, to collect the sums due thereon, and he shall have the same power in their collection as the original collector.

See §§ 38, 55, 57; c. 5, §§ 17, 30; 57 Me. 62; 62 Me. 461; *82 Me. 45.

Sec. 37. Penalty for refusing to deliver tax bills. R. S. c. 11, § 37. If such collector or constable refuses to deliver the bills of assessment and to pay all moneys in his hands collected by him, when duly demanded, he forfeits two hundred dollars to the town, and is liable to pay what remains due on said bills of assessment.

57 Me. 62.

Sec. 38. Collector becoming incapable. R. S. c. 11, § 38. When a constable or collector of taxes dies, becomes insane, has a guardian, or by bodily infirmities is incapable of performing the duties of his office before completing the collection, the municipal officers may demand and receive the tax bills of any person in possession thereof, and deliver them to the new collector.

See § 36; c. 5, § 17; 62 Me. 461; 75 Me. 248; 82 Me. 45; 87 Me. 222.

Sec. 39. Warrant for completion of collection of taxes. R. S. c. 11, § 39. The warrant to be issued by the assessors for the completion of the collection of taxes under the provisions of sections thirty-six and thirty-eight shall be in substance as follows:

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ss. A. B., constable or collector of the town of _____ within the
county of _____ :

In the name of the State of Maine, you are hereby required to levy and collect of each of the several persons named in the list herewith committed unto you, his respective proportion therein set down, of the sum total of such list, amounting in the aggregate to _____ dollars and _____ cents, it being the unpaid portion of the taxes assessed in the town of _____ for the year _____, for state, county and town purposes, and to pay the same to _____ treasurer of said town of _____, or to his successor in office, and to complete and make an account of your collections of the whole sum on or before the _____ day of _____ next. And if any person refuses or neglects to pay the sum which he is assessed in said list, you will distrain his goods or chattels, to the value thereof. And in making such distress, and for want of goods and chattels, whereon to make distress, except such as are exempt by the provisions of section eight of chapter fourteen of the revised statutes, you will in all matters proceed as prescribed in section eight of chapter fourteen of the revised statutes as fully as if the same were herein set forth.

Given under our hands, by virtue of the law in such cases provided, this
day of _____ in the year of our Lord nineteen hundred and _____

Assessors.

Sec. 40. Sums by him overpaid, to be restored. R. S. c. 11, § 40. When it appears that such insane or disqualified constable or collector had paid to the treasurer a larger sum than he had collected from the persons in his list, the assessors in their warrant to such new constable or collector shall direct him to pay such sum to the guardian of such insane, or to such disqualified constable or collector.

Sec. 41. Treasurer of state may issue his warrant against a delinquent collector; renewal of unsatisfied warrants. R. S. c. 11, § 41. When the time for collecting a state tax has expired, and it is unpaid, the treasurer of state shall, at the request of the municipal officers of any town, issue a warrant of distress signed by him against any constable or collector of such town to whom the town's proportion of a state tax has been committed for collection, and who is negligent in paying to the town treasurer the money required within the time limited by law; such warrant shall be directed to the sheriff of the county in which the delinquent officer lives, or to his deputy, returnable in three months from its date, and shall require such sheriff or deputy to cause the sum due, with interest from the day fixed for payment, together with fifty cents for the warrant, and his own legal fees, to be levied by distress and sale of such delinquent officer's real or personal estate, returning any overplus that there may be; and for want of such real or personal estate, to commit him to jail until he pays said sums; and the sheriff shall obey such warrant. Warrants not satisfied may be renewed for the amount unpaid, and shall be of like validity and executed in like manner.

19 Me. 374; 69 Me. 458; 74 Me. 410; *82 Me. 45.

Sec. 42. County treasurer may issue his warrant against a delinquent collector. R. S. c. 11, § 42. When forty days after the time fixed for collecting a county tax has expired, and it is unpaid, the county treasurer shall, at the request of the municipal officers of any town in his county, issue his warrant of distress against any constable or collector of such town to whom the town's proportion of a county tax has been committed for collection and who has not paid to the town treasurer the money required within the time limited by law, returnable in three months from its date, directed to the sheriff or his deputy, requiring

him to collect the tax, with six per cent interest thereon from the time it was payable, fifty cents for the warrant, and his own legal fees.

Sec. 43. Town to pay, when its collector fails. R. S. c. 11, § 43. If a deficient constable or collector has no estate which can be distrained, and his person cannot be found within three months after a warrant of distress issues from the treasurer of state, or, if being committed to jail, he does not within three months satisfy it, his town shall, within three months more, pay to the state the sums due from him.

69 Me. 458.

Sec. 44. Assessors to make a new assessment; otherwise, warrant to issue against them; if not paid within three months, warrant to be issued against inhabitants. R. S. c. 11, § 44. The assessors having written notice from such treasurer of the failure of their constable or collector, shall forthwith, without any further warrant, assess the sum so due upon the inhabitants of their town as the sum so committed was assessed, and commit it to another constable or collector for collection; and if they neglect, the treasurer of state shall issue his warrant against them for the whole sum due from such constable or collector, which shall be executed by the sheriff or his deputy, as other warrants issued by such treasurer. If after such second assessment, the tax is not paid to the treasurer within three months from the date of its commitment, the treasurer may issue his warrant to the sheriff of the county requiring him to levy it on real and personal property of any inhabitants of the town, as hereinbefore provided.

69 Me. 458.

Sec. 45. Collector responsible to inhabitants. R. S. c. 11, § 45. Such deficient collector or constable shall at all times be answerable to such inhabitants for all sums which they have been obliged to pay by means of his deficiency, and for all consequent damages.

57 Me. 62; 69 Me. 457.

Sec. 46. When collector dies, administrator to settle; failing to do so, chargeable with amount. R. S. c. 11, § 46. If a collector or constable of a town dies without settling his accounts of taxes committed to him to collect, his executor or administrator, within two months after his acceptance of the trust, shall settle with such assessors for what was received by the deceased in his life time; with the amount so received, such executor or administrator is chargeable as the deceased would be if living; and if he fails so to settle, when he has sufficient assets in his hands, he shall be chargeable with the whole sum committed to the deceased for collection.

Sec. 47. Treasurer to issue his warrant against delinquent collectors; form of warrant. R. S. c. 11, § 47. If the constable or collector of any town, to whom taxes have been committed for collection, neglects to collect and pay them to the treasurer named in the warrant of the assessors by the time therein stated, such treasurer shall issue his warrant, returnable in ninety days, and in substance as follows, to the sheriff of the county or his deputy, who shall execute it.

A. B., treasurer of the ——— of ———, in the county of ———, to the sheriff of said county, or his deputy,

Greeting.

Whereas C. D., of ——— aforesaid, (addition) on the ——— day of ———, 19—, being a ——— of taxes granted and agreed on by the ——— aforesaid, had a list of assessments duly made by the assessors of the ——— aforesaid, amounting to the sum of \$——, committed to him with a warrant under their hands, directing and empowering him to collect the several sums in said assessment mentioned, and pay the same to the treasurer of the ——— aforesaid by the ——— day of ———, 19—, but the said C. D. has been remiss in his duty

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by law required, and has neglected to collect the several sums aforesaid, and pay them to the treasurer of the ——— aforesaid; and there still remains due thereof the sum of \$——.—, and the said C. D. still neglects to pay it: You are hereby, in the name of the state, required forthwith to levy the aforesaid sum of \$——.—, by distress and sale of the estate, real or personal, of said C. D., and pay the same to the treasurer of said ———, returning the overplus, if any, to said C. D. And for want of such estate, to take the body of said C. D., and him commit to the jail in the county aforesaid, there to remain until he has paid the said sum of \$——.—, with forty cents for this warrant, together with your fees, or he is otherwise discharged therefrom by order of law; and make return of this warrant to myself, or my successor, as treasurer of said ———, within ninety days from this time, with your doings therein.

Given under my hand, this ——— day of ———, in the year nineteen hundred and ———.

—————, Treasurer of ———.

17 Me. 447; 19 Me. 374; 33 Me. 483; 64 Me. 190; 73 Me. 181; 74 Me. 411; 82 Me.

45.

Sec. 48. Sheriff's duty respecting such warrants; treasurer may issue alias warrant. R. S. c. 11, § 48. On each execution or warrant of distress issued by the treasurer of state, or by the treasurer of a county or town against a constable or collector, or against the inhabitants of a town, and delivered to a sheriff or his deputy, he shall make return of his doings to such treasurer, within a reasonable time after the return day therein mentioned, with the money, if any, that he has received by virtue thereof; and if he neglects to comply with any direction of such warrant or execution, he shall pay the whole sum mentioned therein. When it is returned unsatisfied, or satisfied in part only, such treasurer may issue an alias for the sum due on the return of the first; and so on, as often as occasion occurs. A reasonable time after the return day shall be computed at the rate of forty-eight hours for every ten miles distance from the dwelling-house of the sheriff or his deputy to the place where the warrant is returnable.

Sec. 49. Warrants to be issued to coroner, when sheriff is delinquent. R. S. c. 11, § 49. When a sheriff or deputy is deficient as aforesaid, such treasurers may direct warrants to a coroner of the county, requiring him to distrain therefor upon the delinquent's real or personal estate; and the coroner shall execute such warrants as a sheriff does on deficient constables and collectors.

Sec. 50. Property distrained, to be sold as on execution. R. S. c. 11, § 50. Any officer selling personal property, distrained under a warrant from such treasurers against a sheriff, constable, or collector, or against the inhabitants of a town, shall proceed as in the sale of such property on execution.

Sec. 51. Notice of sale of real estate. R. S. c. 11, § 51. When a warrant of distress from such treasurers is levied on the real estate of a deficient constable, collector, sheriff, or deputy sheriff, or against the inhabitants of a town, for the purpose of sale, fourteen days' notice of the sale and time and place shall be given, by posting advertisements in two or more public places in the town or place where the estate lies, and in two adjoining towns.

Sec. 52. Proceedings at sale. R. S. c. 11, § 52. At that time and place, the officer having such warrant shall sell, at public vendue, so much of such estate, in common and undivided with the residue, if any, as is necessary to satisfy the sum named in the warrant, with all legal charges; and execute to the purchaser a sufficient deed thereof, which shall be as effectual as if executed by the deficient owner.

Sec. 53. Warrant not satisfied, collector may be arrested on an alias; has

privileges of common debtor. R. S. c. 11, § 53. If the proceeds of such sale do not satisfy such sum and legal charges, the treasurer who issued the warrant shall issue an alias warrant for the sum remaining due; and the officer executing it shall arrest such deficient officer, and proceed as on an execution for debt; and such deficient officer shall have the same rights and privileges as a debtor arrested or committed on execution in favor of a private creditor.

Sec. 54. Assessors may demand copy of assessments of collector, and adjust amount. R. S. c. 11, § 54. When any constable or collector of taxes is taken on execution under this chapter, the assessors may demand of him a true copy of the assessments, which he received of them and then has in his hands unsettled, with the evidence of all payments made thereon; and if he complies with this demand, he shall receive such credit as the assessors, on inspection of the assessment, adjudge him entitled to, and account for the balance; but if he refuses, he shall forthwith be committed to jail by the officer who so took him, or by a warrant from a justice of the peace, to remain there until he complies; and the assessors shall take and use copies of the record of assessments instead of the copies demanded of him.

62 Me. 461.

Sec. 55. Towns may choose another collector. R. S. c. 11, § 55. The same town may, at any time, proceed to the choice of another collector, to complete the collection of the assessments, who shall be sworn and give the security required of the first collector; and the assessors shall deliver to him the uncollected assessments, with a proper warrant for their collection, and he shall proceed as before prescribed.

See §§ 23, 36, 38, 57; 57 Me. 62; 62 Me. 461.

Sec. 56. When a person claims to have paid tax, proceedings. R. S. c. 11, § 56. When the tax of any person named in said assessment does not thereby appear to have been paid, but such person declares that it was paid to the former collector, the new collector shall not distrain or commit him without a vote of such town first certified to him by its clerk.

57 Me. 62.

Sec. 57. Sheriff to collect, when no collector is chosen. R. S. c. 11, § 57. When a town neglects to choose and the selectmen to appoint any constable or collector to collect a state or county tax, the sheriff of the county shall collect it, on receiving an assessment thereof, with a warrant under the hands of the assessors of such town, duly chosen, or appointed by the county commissioners, as the case may be.

See §§ 36, 38; c. 5, §§ 14, 17, 184.

Sec. 58. Plantations, proceedings by and against. R. S. c. 11, § 58. When plantations neglect to choose constables or collectors, or those chosen and accepting their trust neglect their duty, such plantations shall be proceeded against as in the case of deficient towns; and such deficient constables or collectors are liable to the same penalties, and shall be removed in the same manner, as deficient constables and collectors of towns.

See c. 5, § 145; c. 13, § 102.

Sec. 59. Proceedings by sheriff. R. S. c. 11, § 59. The sheriff or his deputy, on receiving such assessment and warrant for collection as is mentioned in the two preceding sections, shall forthwith post in some public place in the town or plantation assessed, an attested copy of such assessment and warrant, and shall make no distress for any of such taxes until after thirty days therefrom; and any person paying his tax to such sheriff within that time shall pay five per cent over and above his tax for sheriff's fees, and no more; but those who do not pay within that time shall be distrained or arrested by such officer, as by collectors;

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and the sheriff may require aid for the purpose, and the same fees shall be paid for travel and service of the sheriff, as in other cases of distress.

Sec. 60. Proceedings by sheriff. R. S. c. 11, § 60. When an officer appointed to collect assessments by virtue of a warrant, for want of property, arrests any person and commits him to jail, he shall give an attested copy of his warrant to the jailer, and certify, under his hand, the sum that he is to pay as his tax and the costs of arresting and committing, and that for want of goods and chattels whereon to make distress, he has arrested him; and such copy and certificate are a sufficient warrant to require the jailer to receive and keep such person in custody, until he pays his tax, charges, and thirty-three cents for the copy of the warrant; but he shall have the rights and privileges, mentioned in section fifty-three.

*71 Me. 406; 77 Me. 24.

Sec. 61. When discharged from arrest, town liable for state and county taxes. R. S. c. 11, § 61. When a person, committed for non-payment of taxes due to the state or county, is discharged by virtue of any statute for the relief of poor prisoners confined in jail for taxes, the town whose assessors issued the warrant by which he was committed shall pay the whole tax required of it.

Sec. 62. Collector liable for tax unless he commits within a year. R. S. c. 11, § 62. When a person imprisoned for not paying his tax, is discharged, the officer committing him shall not be discharged from such tax without a vote of the town, unless he imprisoned him within one year after the taxes were committed to him to collect.

61 Me. 557; *82 Me. 44.

Sec. 63. Fees for commitment. R. S. c. 11, § 63. For commitments for non-payment of taxes, the officer shall have the same fees as for levying executions, but his travel shall be computed only from his dwelling-house to the place of commitment.

Sec. 64. Municipal officers may direct suit for taxes. R. S. c. 11, § 64. 1921, c. 90. In addition to other provisions for the collection of taxes legally assessed, the mayor and treasurer of any city, the selectmen of any town, and the assessors of any plantation to which a tax is due may in writing direct an action of debt to be commenced in the name of such city or of the inhabitants of such town or plantation, against the party liable; but no such defendant is liable for any costs of suit, unless it appears by the declaration and by proof, that payment of said tax had been duly demanded before suit.

Execution issued on a judgment recovered for the collection of a poll tax shall run against the body of the judgment debtor.

See §§ 27, 28, 32, 95.

66 Me. 198; *67 Me. 261; 70 Me. 304; 71 Me. 404; 74 Me. 283-4; 76 Me. 550; 78 Me. 278; *79 Me. 183; 82 Me. 157; 83 Me. 229; *84 Me. 505; *86 Me. 318, 364; 87 Me. 361; 89 Me. 154, 578, 582; 90 Me. 182; 98 Me. 491; 104 Me. 446; *109 Me. 478; *111 Me. 322; 122 Me. 86.

Special Provisions.

Sec. 65. Abatement for voluntary payment of taxes, not exceeding ten per cent; notice to be posted. R. S. c. 11, § 65. At any meeting, when it votes to raise a tax, a town may agree on the abatement to be made to those who voluntarily pay their taxes to the collector or treasurer at certain periods, and the times within which they are so entitled; and a notification of such votes, and the time when such taxes must be paid to obtain the abatement, shall be posted by the treasurer in one or more public places in his town, within seven days after such commitment; and all who so pay their taxes are entitled to such abatement;

but no person shall receive an abatement of more than ten per cent of his tax; and all taxes not so paid shall be collected by the collector or his deputy, under the other provisions of this chapter.

Sec. 66. Collector or treasurer who is collector, may issue warrant to sheriff to collect taxes. R. S. c. 11, § 66. The collector of taxes of any town or the treasurer of any town who is also a collector, may issue his warrant to the sheriff of any county, or his deputy or to a constable of his town, directing him to distrain the person or property of any person not paying his taxes within three months after the date of the original commitment which warrant shall be of the same tenor as that prescribed to be issued by municipal officers or assessors to collectors with the appropriate charges returnable to the collector or treasurer issuing the same in thirty, sixty, or ninety days.

*96 Me. 269; 113 Me. 446.

Sec. 67. May distrain before tax is due, to prevent loss. R. S. c. 11, § 67. When such collector or treasurer thinks that there is danger of losing by delay a tax assessed on any individual, he may distrain his person or property before the expiration of the time named in the preceding section.

See §§ 21, 22; 113 Me. 446.

Sec. 68. Ten days' notice before distraining. R. S. c. 11, § 68. Before such officer serves any such warrant, he shall deliver to the delinquent, or leave at his last and usual place of abode, a summons from said collector or treasurer, stating the amount of tax due, and that it must be paid within ten days from the time of leaving such summons, with twenty cents for the officer for leaving the same; and if not so paid, the officer shall serve such warrant the same as collectors of taxes may do, and shall receive the same fees as for levying executions in personal actions.

96 Me. 270; 113 Me. 446.

Sec. 69. Affidavit of person posting notices of land sales, evidence. R. S. c. 11, § 69. The affidavit of any disinterested person as to posting notifications required for the sale of any land to be sold by the sheriff or his deputy, constable, or collector, in the execution of his office, may be used in evidence in any trial to prove the fact of notice; if such affidavit, made on one of the original advertisements, or on a copy of it, is filed in the registry of the county or district where the land lies, within six months.

Sec. 70. Owners of estate taken for default of others may recover its value; determination of value. R. S. c. 11, § 70. When the estate of an inhabitant of a town, who is not an assessor thereof, is levied upon and taken as mentioned in sections eighty-nine, ninety-seven, ninety-eight, or ninety-nine of chapter thirteen, or in sections five, seven or forty-four of this chapter, he may maintain an action against such town, and recover the full value of the estate so levied on, with interest at the rate of twenty per cent from the time it was taken, with costs; and such value may be proved by any other legal evidence, as well as by the result of the sale under such levy.

Sec. 71. Warrants returnable in three months, and may be renewed. R. S. c. 11, § 71. All warrants lawfully issued by a state or county treasurer shall be made returnable in three months, and may be renewed for the collection of what appears due upon them when returned, including expenses incurred in attempting to collect them; and the power and duty of the sheriff shall be the same in executing such alias or pluries warrant, as if it were the original.

53 Me. 284.

Sale of Land for Taxes in Incorporated Places.

Sec. 72. Sale of real estate for taxes; notices, how given; copy of notice to be lodged with clerk and recorded; certain irregularities will not vitiate sale; collector liable for certain irregularities; in case of absence or disability of collector, constable may conduct sale. R. S. c. 11, § 72. 1923, c. 93. If any tax assessed on real estate, or on equitable interests assessed under section three of chapter thirteen, remains unpaid on the first Monday in February next after said tax was assessed, the collector shall sell at public auction so much of such real estate or interest as is necessary for the payment of said tax, interest and all the charges, at nine o'clock in the forenoon of said first Monday in February, at the office of collector of taxes, in cities, and at the place where the last preceding annual town meeting was held, in towns. And in case of the absence or disability of the collector, the sale shall be made by some constable of the town who shall have the same powers as the collector in carrying out the provisions of this chapter. In the case of the real estate of resident owners, the collector may give notice thereof and of his intention to sell so much of said real estate or interest as is necessary for the payment of said tax and all charges, by posting notices thereof in the same manner and at the same places that warrants for town meetings are therein required to be posted, at least six weeks and not more than seven weeks, before such first Monday in February, designating the name of the owner if known, the right, lot and range, the number of acres as nearly as may be, the amount of tax due, and such other short description as is necessary to render its identification certain and plain. And in the case of taxes assessed on the real estate of non-resident owners, he shall cause said notices to be published in some newspaper, if any, published in the county where said real estate lies, three weeks successively; such publication to begin at least six weeks before said first Monday in February; if no newspaper is published in said county, said notices shall be published in like manner, in the state paper; he shall, in the advertisements so published, state the name of the town, and if within three years it has been changed for the whole or a part of the territory, both the present and former name shall be stated; and that, if the taxes, interest and charges are not paid on or before such first Monday in February, so much of the estate as is sufficient to pay the amount due therefor with interest and charges will be sold without further notice, at public auction, on said first Monday in February, at nine o'clock in the forenoon, at the office of the collector of taxes, in cities, and at the place where the last preceding annual town meeting was held, in towns. The date of the commitment shall be stated in the advertisement. In all cases, said collector shall lodge with the town clerk a copy of each such notice, with his certificate thereon that he has given notice of the intended sale as required by law. Such copy and certificate shall be recorded by said clerk and the record so made shall be open to the inspection of all persons interested. The clerk shall furnish to any person desiring it an attested copy of such record, on receiving payment or tender of payment of a reasonable sum therefor; but notices of sales of real estate within any village corporation for unpaid taxes of said corporation may be given by notices thereof, posted in the same manner, and at the same places as warrants for corporation meetings, and by publication, as aforesaid. No irregularity, informality, or omission in giving the notices required by this section, or in lodging copy of any of the same with the town clerk, as herein required, shall render such sale invalid, but such sale shall be deemed to be legal and valid, if made at the time and place herein provided, and in other respects according to law, except as to the matter of notice. For any irregularity, in-

formality, or omission in giving notice as required by this section, and in lodging copy of the same with the town clerk, the collector shall be liable to any person injured thereby.

See § 28.

1 Me. 307; 12 Me. 378; *26 Me. 231; 30 Me. 229, 326; 32 Me. 69; 35 Me. 554; *58 Me. 532, 533; 63 Me. 381; 70 Me. 279; 73 Me. 382; 74 Me. 284; *84 Me. 190, 377; *89 Me. 337; 95 Me. 124; *106 Me. 175; 110 Me. 365.

Sec. 73. Notice for posting, form of. R. S. c. 11, § 73. The notice for posting, or the advertisement, as the case may be, of the collector shall be in substance as follows:

Unpaid taxes on lands situated in the town of _____, in the county of _____, for the year _____ (N. B.) The name of the town was formerly _____, (to be stated in the case of change of name, as mentioned in the preceding section.) The following list of taxes on real estate of resident (or non-resident, as the case may be) owners in the town of _____, for the year _____, committed to me for collection for said town, on the _____ day of _____, remain unpaid; and notice is hereby given that if said taxes, interest and charges are not previously paid, so much of the real estate taxed as is sufficient to pay the amount due therefor, including interest and charges, will be sold at public auction at _____, in said town, on the first Monday of February, 19____, at nine o'clock A. M. (N. B. Here follows the list, a short description of each parcel taken from the inventory to be inserted in an additional column.)

C. D. Collector of taxes of the town of _____.

Sec. 74. Owners or occupants to have written notice of time and place of sale.

R. S. c. 11, § 74. After the land is so advertised, and at least ten days before the day of sale, the collector shall notify the owner, if resident, or the occupant thereof, if any, of the time and place of sale by delivering to him in person, or by registered mail with receipt demanded, or leaving at his last and usual place of abode, a written notice signed by him, stating the time and place of sale, and the amount of taxes due. In case of non-resident owners of real estate, such notice shall be sent by mail to the last and usual address, if known to the collector, at least ten days before the day of sale. If such tax is paid before the time of sale, the amount to be paid for such advertisement and notice shall not exceed one dollar, in addition to the sum paid the printer, if any.

*73 Me. 382; 84 Me. 190; *106 Me. 176; 113 Me. 446.

Sec. 75. Proceedings at sale; adjournment of sale; apportionment of costs.

R. S. c. 11, § 75. When no person appears to discharge the taxes duly assessed on any such real estate of resident or non-resident owners, with costs of advertising, on or before the time of sale, the collector shall proceed to sell at public auction, to the highest bidder, so much of such real estate or interest as is necessary to pay the tax due, with three dollars for advertising and selling it, the sum paid to the printer, twenty-five cents for each copy required to be lodged with the town clerk, twenty-five cents for the return required to be made to the town clerk, fifty cents for the town clerk for recording the same, and sixty-seven cents for the deed thereof and certificate of acknowledgment. If the bidding is for less than the whole, it shall be for a fractional part of the estate, and the bidder who will pay the sum due for the least fractional part shall be the purchaser. If more than one right, lot, or parcel of land is so advertised and sold, said charge of three dollars, the twenty-five cents for each copy lodged with the town clerk, the twenty-five cents for the return made to the town clerk, and the fifty cents for the town clerk for recording the same shall be divided equally among the several rights, lots, or parcels advertised and sold at any one time; and in addition, the sum paid to the printer shall be divided equally among the non-resident

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rights, lots, or parcels so advertised and sold; and the collector shall receive in addition, fifty cents on each parcel of real estate so advertised and sold, when more than one parcel is advertised and sold. The collector may, if necessary to complete the sales, adjourn the auction from day to day.

19 Me. 100, 369; *25 Me. 362; 27 Me. 356; 30 Me. 325; 32 Me. 69, 309; *34 Me. 268; 36 Me. 178, 435; 40 Me. 161; 43 Me. 311; 48 Me. 377; 58 Me. 533; *61 Me. 209; 68 Me. 395; 71 Me. 236; 74 Me. 222; 84 Me. 190; *97 Me. 447.

Sec. 76. Mortgagees of lands sold for taxes to be notified of sale by the purchaser; if not notified, has right of redemption for three months after receiving actual notice; lands assessed to former owners or to owners unknown to have right of redemption for three months after receiving actual notice of sale. R. S. c. 11, § 76. 1921, c. 182, § 1. 1925, c. 99. When real estate is so sold for taxes, the collector shall, within thirty days after the day of sale, lodge with the treasurer of his town a certificate under oath, designating the quantity of land sold, the names of the owners of each parcel, and the names of the purchasers; what part of the amount of each was tax and what was cost and charges; also a deed of each parcel sold, running to the purchasers. The treasurer shall not at that time deliver the deeds to the grantees, but put them on file in his office, to be delivered at the expiration of two years from the day of sale, and the treasurer shall after the expiration of two years deliver said deed to the grantee or his heirs, provided the owner, the mortgagee, or any person in possession or other person legally taxable therefor does not within such time redeem the estate from such sale, by payment or tender of the taxes, all the charges and interest on the whole at the rate of ten per cent. per annum from the date of sale to the time of redemption, and costs as above provided, with sixty-seven cents for the deed and certificate of acknowledgment, and all sums paid for internal revenue stamps affixed to such deed.

If there is an undischarged mortgage or mortgages duly recorded on the estate so sold for taxes, the purchaser at such sale shall notify the holder of record of each of such mortgages within sixty days from the date of said sale, by sending a notice in writing by registered letter addressed to the record holder of such mortgage or mortgages at the residence of such holder as given in the registry of deeds in the county where said real estate is situated, stating that he has purchased the estate at a tax sale on such date and request the mortgagee to redeem the same. If such notice is not given and the real estate is sold for taxes and the deed delivered, the holder of record of any mortgage, which mortgage was on record in the registry of deeds at the time of said sale, may redeem the land so sold at any time within three months after receiving actual notice of such sale, by the payment or tender of the amounts, interest, and costs as above specified, and the registry fee for recording and discharging the deed, if the deed has been recorded, and the deed shall be discharged by the grantee therein, or the owner under the tax deed at the time of redemption, in manner provided for the discharge of mortgages of real estate.

If any owner of real estate which is assessed to any former owner who was not the owner on April first of the taxable year as assessed, or to owners unknown, does not have actual notice of the sale of his real estate for taxes within said two years, he may, at any time, within three months after he has had actual notice redeem the land so sold from such sale although the deed may have been recorded, by payment or tender of the amounts, interest, and costs as above specified and the registry fee for recording and discharging the deed, in case the deed has been recorded, and the deed shall be discharged by the grantee therein, or the owner under the tax deed at the time of redemption, in manner provided for the discharge of mortgages on real estate.

If the real estate is redeemed before the deed is delivered, the treasurer shall give the owner, mortgagee, or party to whom the land is assessed or other person legally taxable therefor a certificate thereof, cancel the deed, and pay to the grantee on demand the amount so received from him. If the amounts, interest, and costs above specified are not paid to the treasurer within the time as above specified, he shall deliver to the grantee his deed upon the payment of the fees aforesaid for the deed and acknowledgment and thirty cents more for receiving and paying out the proceeds of the sale, but all tax deeds of land upon which there is an undischarged mortgage duly recorded shall carry no title except subject to such mortgage, unless the purchaser at such tax sale gives to the record holder of the mortgage, notice as above provided. For the fidelity of the treasurer in discharging his duties herein required, the town is responsible, and has a remedy on his bond in case of default.

84 Me. 190; 96 Me. 500.

Sec. 77. Stamps affixed to deed, deemed a part of costs. R. S. c. 11, § 77. All sums paid by any collector of taxes, or treasurer, for internal revenue stamps to be affixed to any deed of real estate, or interest therein, sold for non-payment of a tax, shall be deemed a part of the costs and charges for making such sale.

Sec. 78. All taxes paid by purchaser at sale refunded on redemption. R. S. c. 11, § 78. 1921, c. 182, § 2. The person interested in the estate, by the purchase at the sale, may pay any tax assessed thereon, before or after that so advertised, and for which the estate remains liable, and on filing with the treasurer the receipt of the officer to whom it was paid, the amount so paid shall be added to that for which the estate was liable, and shall be paid by the owner redeeming the estate, with interest at the same rate as on the other sums.

Sec. 79. Collector to make return of sale to town clerk, who is to record. R. S. c. 11, § 79. The collector making any sale of real estate for non-payment of taxes, shall, within thirty days after such sale make a return, with a particular statement of his doings in making such sale, to the clerk of his town, who shall record it in the town records; and said return, or if lost or destroyed, an attested copy of the record thereof, shall be evidence of the facts therein set forth in all cases where such collector is not personally interested. The collector's return to the town clerk shall be in substance as follows:

Pursuant to law, I caused the taxes assessed on the real estate of non-resident owners described herein, situated in the town of _____ for the year _____, to be advertised according to law by advertising in the _____ three weeks successively, the first publication being on the _____ day of _____, and at least six weeks before the day of sale; and caused the taxes assessed on the real estate of resident owners described herein, situated in the town of _____ for the year _____, to be advertised according to law by posting notice as required by law, at the following places, six weeks before the day of sale, being public and conspicuous places in said town. I also, at least ten days before the day of sale, gave to each resident owner of said lands, or the occupant thereof, if any, in hand, or forwarded to him by registered mail with receipt demanded, or left at his last and usual place of abode, and sent by mail to the last and usual address of each non-resident owner of said lands, whose address was known to me, written notice of the time and place of said sale, in the manner provided by law; and afterwards on the first Monday of February, 19____, at nine o'clock, A. M., being the time and place of sale, I proceeded to sell, according to the tenor of the advertisement, the estates upon which the taxes so assessed remained unpaid; and in the schedules following is set forth each parcel of the estate so offered for sale, the amount of taxes and the name of the purchaser; and I have made and

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executed deeds of the several parcels to the several persons entitled thereto, and placed them on file in the town treasurer's office, to be disposed of as the law requires.

SCHEDULE NO. 1.**NON-RESIDENT OWNERS.**

Name of owner.	Description of property.	Amount of tax, interest and charges.	Quantity sold.	Name of purchaser.
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SCHEDULE NO. 2.**RESIDENT OWNERS.**

Name of owner.	Description of property.	Amount of tax, interest and charges.	Quantity sold.	Name of purchaser.
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In witness of all which I have hereunto subscribed my name, this day of , 19 .

C. D. Collector of taxes of the town of

84 Me. 190; 95 Me. 124, 126.

Sec. 80. Proprietors may redeem within two years; money to be received by treasurer, as property of purchaser. R. S. c. 11, § 80. 1921, c. 182, § 3. Any person to whom the right by law belongs, may, at any time within two years from the day of sale, redeem any real estate or interest of proprietors sold for taxes, on paying into the town treasury for the purchaser, the full amount so certified to be due, both taxes and costs, including the sum allowed for the deeds and stamps, with interest on the whole at the rate of ten per cent a year from the date of the sale, which shall be received and held by said treasurer as the property of the purchaser aforesaid; and the treasurer shall pay it to said purchaser, his heirs or assigns, on demand; and if not paid when demanded, the purchaser may recover it in any court of competent jurisdiction, with costs and interest at the rate of twenty per cent, after such demand. The sureties of the treasurer shall pay the same on failure of said treasurer. And in default of payment by either, the town or plantation shall pay the same with costs and interest as aforesaid.

84 Me. 190.

Sec. 81. Deed to be delivered to purchaser, if not redeemed; penalty, if treasurer refuses to deliver deed. R. S. c. 11, § 81. If no person having legal authority so to do redeems the same within the time aforesaid by paying the full amount required by this chapter, said treasurer shall deliver to the purchaser the deeds so lodged with him by the collector; and if he wilfully refuses to deliver such deed to said purchaser, on demand, after said two years and forfeiture of of the land as aforesaid, he forfeits to said purchaser the full value of the property so to be conveyed, to be recovered in an action of debt, with costs and interest as in other cases; the sureties of said treasurer shall make good the payment here required in default of payment by the principal; and on the failure of both, the town is liable.

Sec. 82. When non-resident may commence suit. R. S. c. 11, § 82. Any non-resident owner of real estate sold under section seventy-five, having paid the

taxes, costs, charges, and interest as aforesaid, may, at any time within one year after making such payment commence a suit against the town to recover the amount paid, and if on trial it appears that the money raised was for an unlawful purpose, he shall have judgment for the amount so paid. If not commenced within the year, the claim shall be forever barred. The suit may be in the supreme judicial or superior court, and the plaintiff recovering judgment therein shall have full costs, although the amount of damages is less than twenty dollars.

See § 31; c. 13, § 73; 58 Me. 391, 395; 68 Me. 357.

Sec. 83. Treasurer's receipt is evidence of redemption. R. S. c. 11, § 83. The treasurer's receipt or certificate of payment of a sufficient sum to redeem any lands taxed as aforesaid shall be legal evidence of such payment and redemption.

Additional Provisions.

Sec. 84. Estate may be bid off for town. R. S. c. 11, § 84. The municipal officers may employ one of their own number, or some other person, to attend the sale for taxes of any real estate, in which their town is interested, and bid therefor a sum sufficient to pay the amount due and charges, in behalf of the town, and the deed shall be made to it.

*61 Me. 551; 95 Me. 166.

Sec. 85. Purchaser to pay for land within twenty days after sale, or sale void. R. S. c. 11, § 85. If the purchaser of land sold for taxes under section seventy-five fails to pay the collector within twenty days after the sale the amount bid by him, the sale shall be void, and the city or town in which such sale was made shall be deemed to be the purchaser of the land so sold, the same as if purchased by some one in behalf of the city or town under the preceding section. If a city or town becomes a purchaser under this section, the deed to it shall set forth the fact that a sale was duly made, the amount bid for the land included in said deed, and that the purchaser failed to pay the amount bid within twenty days after the sale; and the said deed shall confer upon said city or town the same rights and duties as if it had been the purchaser under section eighty-four.

Sec. 86. Owner may redeem; amount received to be paid to person entitled. R. S. c. 11, § 86. In all cases where real estate has been sold for state, county, or town taxes, the owner may, within the time allowed by law, pay the sums necessary to redeem the same, into the treasury of the state, county, or town to which the tax is to be paid, and such payment seasonably made shall redeem the estate. The treasurer shall pay the amount so received by him to the person entitled thereto according to the records and documents in his office.

Sec. 87. In actions to test validity of sale of real estate for taxes, collector's or treasurer's deed, prima facie evidence; further proceedings. R. S. c. 11, § 87. In the trial of any action at law or in equity, involving the validity of any sale of real estate for non-payment of taxes, it shall be sufficient for the party claiming under it, in the first instance, to produce in evidence the collector's or treasurer's deed, duly executed and recorded, which shall be prima facie evidence of his title, and if the other party claims and offers evidence to show that such sale was invalid and ineffectual to convey the title, the party claiming under it shall have judgment in his favor so far as relates to said tax title, if he then produces the assessment, signed by the assessors, and their warrant to the collector, and proves that such collector or treasurer complied with the requirements of law in selling such real estate; and in all such actions involving the validity of sales made after the twenty-sixth day of April, eighteen hundred and ninety-five, the collector's return to the town clerk, the town clerk's record, or if lost or de-

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stroyed, said clerk's attested copy of such record, as provided in section seventy-nine, shall be prima facie evidence of all facts therein set forth.

27 Me. 293; *33 Me. 82; 51 Me. 600; *57 Me. 517; *58 Me. 392, 396; 59 Me. 346; 61 Me. 208, 433; 63 Me. 311, 381; 64 Me. 452; 68 Me. 357, 395; 69 Me. 520, 521; 70 Me. 278; 71 Me. 237; *72 Me. 504; 73 Me. 383, 407; 74 Me. 25, 51; 84 Me. 379; 85 Me. 321; 89 Me. 337; 90 Me. 104.

Collection of Taxes on Organized Plantations Taxed as Wild Lands.

Sec. 88. Warrants for state and county taxes sent to assessors. R. S. c. 11, § 88. Warrants for state taxes on organized plantations taxed by the state as wild lands shall be sent by the treasurer of state to the assessors of each plantation in which such lands are situated in the month of April of each year. In the month of April of each year the county commissioners of each county shall issue to the assessors of each organized plantation taxed by the state as wild land their warrant for the amount of county taxes apportioned to said plantation.

Sec. 89. Plantation assessors to assess state and county tax with assessment for plantation purposes. R. S. c. 11, § 89. The assessors of such plantation shall add the amounts of said state and county taxes certified to them by the treasurer of state and the county commissioners to their assessment for plantation purposes, and assess the same on the real and personal property in such plantation to the owner or person in possession in accordance with their valuation thereof, including such overlay, not exceeding five per cent thereof, as a fractional division renders convenient.

Sec. 90. Commitment. R. S. c. 11, § 90. In July of each year said assessors shall commit the same with a warrant in the usual form to a collector of taxes, to be elected by said plantation at its annual meeting, or in default thereof to be appointed by said assessors, directing him to collect and transmit the said state taxes to the treasurer of state by November first next after the date of commitment, and also directing him to collect and transmit the said county taxes to the county treasurer by November first next after the date of commitment.

*109 Me. 476.

Sec. 91. Collector to give bond. R. S. c. 11, § 91. Said collector shall give bond to the plantation in such sum and with such sureties as the assessors thereof require, and said assessors shall agree with him as to his compensation, which shall be paid by the plantation.

Sec. 92. Collector to settle by November 10. R. S. c. 11, § 92. Said collector shall settle with the assessors by the tenth day of November of each year, and return to them his collection list, showing the amounts received or unpaid on each tax in his list. On all such taxes then unpaid, interest shall be added from the first day of November preceding at twenty per cent until paid. The clerk of the plantation shall record in a book kept for that purpose such returned collector's list with the collector's return thereon showing the amounts received or unpaid on each tax in the list, which record shall be evidence of the facts therein stated.

Sec. 93. Lien on real estate, how enforced. R. S. c. 11, § 93. The lien on real estate created by section three of chapter thirteen for the payment of taxes assessed under the five preceding sections may be enforced at any time within one year from the time when said collection lists are returned to said assessors, in the following manner: The assessors may order the collector to bring an action of debt in the name of the plantation, in the supreme judicial court in the county where the land lies, to collect such unpaid taxes with interest, against the person to whom the property is assessed, and the proceedings in such actions shall be the same as provided in section twenty-eight of this chapter, except that

the preliminary notice and demand for payment of said tax as provided in said section shall not be required.

Sec. 94. Ch. 13, §§ 37, 38, 39, 87, 89 applicable; Ch. 13, § 61 also applicable. R. S. c. 11, § 94. Proceedings under the six preceding sections for the assessment and collection of taxes on organized plantations taxed by the state as wild lands shall be in accordance with sections thirty-seven, thirty-eight, thirty-nine, eighty-seven and eighty-nine of chapter thirteen, so far as said sections are applicable; section sixty-one of chapter thirteen shall apply to such plantations.

Actions by Treasurer of State.

Sec. 95. Treasurer of state may bring action to recover taxes. R. S. c. 11, § 95. The treasurer of state may bring an action of debt in his own name to enforce the lien on real estate created by section three of chapter thirteen, to secure the payment of state and county taxes assessed under sections forty-one and forty-three of chapter thirteen upon lands not liable to be assessed in any town for which warrants are not issued under section eighty-eight of this chapter. Such action shall be begun after the expiration of eight months and within one year after the last publication of the advertisement named in section forty-four of chapter thirteen. The proceedings shall be in accordance with section twenty-eight of this chapter, except that the preliminary notice and demand for payment of said tax as provided in said section shall not be required.

See §§ 27, 28, 64.

Sec. 96. Taxes on lands in unorganized townships, collected by treasurer of state in action of debt. R. S. c. 11, § 96. In addition to the methods of collecting state, county, and forestry district taxes provided by law, owners of lands in unorganized townships shall be liable to pay such taxes to the treasurer of state upon demand. If such taxes shall not be paid within thirty days after such demand, the treasurer of state may collect the same, with interest as provided by law, by an action of debt in the name of the state. Such action shall be brought in the supreme judicial court in the county where such unorganized townships are located, and the attorney-general may begin and prosecute such actions when thereto requested by the treasurer of state. The demand herein provided for shall be sufficient if made by a writing mailed to such land owner or his agent at his usual post-office address. In case such owner resides without the state and has no agent within the state known to the treasurer of state, such demand shall be sufficient if made upon the forest commissioner. Such action shall be brought not less than thirty days after the giving or mailing of the demand herein provided for. The beginning of such action, obtaining execution and collecting the same shall be deemed a waiver of the forfeiture provided by section forty-five of chapter thirteen.

Sec. 97. Inventory of personal property in unorganized township to be returned to state assessors. 1917, c. 253, § 1. Each owner or person in charge or control of personal property such as would not be exempt from taxation if it were located in a city or town of this state, and not otherwise subject to taxation under existing laws of the State of Maine, which on the first day of April in each year is situated, whether permanently or temporarily, within an unorganized township, shall, on or before the first day of May in each year, return to the board of state assessors a complete list of such property upon blanks furnished by said board; and such property shall be assessed by said board for a just proportion of all state and county taxes; but none of the property described in this section shall be included in the state valuation as made for unorganized towns.

Sec. 98. Proceedings by board when inventory is not made. 1917, c. 253, § 2. Should any owner or person having in his charge or control personal property taxable by said board, as provided in section ninety-seven, neglect or refuse to comply with the requirements of sections ninety-seven to one hundred, the board of state assessors may secure the necessary information by such methods as they deem advisable, and the necessary expense incurred in securing such information shall be added to the tax assessed against the property of such owner or person and paid to the state treasurer with the tax.

Sec. 99. Tax to be paid to state treasurer on or before October 1st, to be turned over to counties; proceedings when tax payer is delinquent. 1917, c. 253, § 3. 1919, c. 125. Taxes levied under the provisions of section ninety-seven shall be paid to the treasurer of state on or before October first of each year, and the treasurer of state shall at once credit the county treasurer with the amount of county tax so received, and this amount, plus interest after October first, shall be paid by the treasurer of state to the several county treasurers within thirty days from receipt thereof, and the governor and council are hereby authorized to draw their warrants for the same as above provided. A lien is created on all personal property for such taxes and expenses incurred in accordance with the provisions of section ninety-eight, and such property may be sold for the payment of such taxes and expenses at any time after October first. When the time for the payment of the tax to the treasurer of state has expired, and it is unpaid, the treasurer of state shall give notice thereof to the delinquent property owner, and unless such tax shall be paid within sixty days, the treasurer of state may issue his warrant to the sheriff of the county, requiring him to levy by distress and sale upon the personal property of said property owner, and the sheriff or his deputy shall execute such warrants, but any balance remaining after deducting taxes and necessary additions made in accordance with the provisions of sections ninety-seven to one hundred shall be returned to the owner or person in possession of such property.

Sec. 100. Tax lists to be certified. 1917, c. 253, § 4. All lists of property returned to the board of state assessors shall be certified before a justice of the peace, or in such manner as may be determined from time to time by the board of state assessors.

CHAPTER 15.

Registers of Deeds.

Sec. 1. Chosen every four years. R. S. c. 12, § 1. In each county and in each registry district a register of deeds shall be chosen by ballot, by persons qualified to vote for representatives at town meetings, on the second Monday of September eighteen hundred and eighty-two and every four years thereafter.

50 Me. 245; 64 Me. 599; 115 Me. 108.

Sec. 2. Election, how and when held; governor and council to examine lists of votes; to issue certificates of election; tenure of office. R. S. c. 12, § 2. The meetings for such election shall be notified, held, and regulated, and the votes received, sorted, counted, declared, and recorded in the same manner as votes for representatives, and fair copies of the lists of votes shall be attested by the municipal officers and clerks of towns, and sealed up in open town meeting; and town clerks shall cause them to be delivered into the office of the secretary of state within thirty days next succeeding such meeting. The governor and council shall, by the first day of December following, open and examine the same, and the list of votes of citizens in the military service returned to said office. They have the same power to correct errors as is conferred by section fifty-four of chapter eight; and they shall, forthwith, issue certificates of election to such persons as have a plurality of all the votes for each county or registry or registry district; and the person thus elected, and giving the bond required in the following section, approved by the county commissioners, shall hold his office for four years from the first day of the next January and until another is chosen and qualified.

See c. 8, §§ 83-85; 25 Me. 568; 64 Me. 599; *115 Me. 108.

Sec. 3. Bond. R. S. c. 12, § 3. He shall give bond, with sufficient sureties, to the county, in the sum of two thousand dollars for the faithful discharge of his duties.

See Const. of Me. Art. ix, § 1.

Sec. 4. Vacancies. R. S. c. 12, § 4. Vacancies shall be filled by election in manner aforesaid, at the next September election after their occurrence; and in the mean time the governor, with the advice and consent of the council, may fill vacancies by appointment, and the person so appointed shall hold his office until the first day of January, next after the election last mentioned.

64 Me. 599, 600; 115 Me. 108.

Sec. 5. May appoint clerk; clerk's oath and duties. R. S. c. 12, § 5. Each register may appoint a clerk for whose doings and misdoings he shall be responsible, who shall be sworn. In case of sickness, absence, or any temporary disability of the register, such clerk shall make and sign for him all certificates, and make all entries and minutes required to be signed or made by the register, and such certificates, entries, and minutes shall be as valid as if made by the register.

Sec. 6. Western district in county of Oxford. R. S. c. 12, § 6. The towns of Hiram, Porter, Brownfield, Denmark, Fryeburg, Sweden, Lovell, Stoneham and Stowe, in the county of Oxford, compose the western registry district of Oxford county, and the register shall keep his office at Fryeburg.

Sec. 7. Northern district in county of Aroostook. R. S. c. 12, § 7. All that

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part of the county of Aroostook lying north of a line commencing at the south-east corner of township F, in the first range, west from the east line of the state, thence west on the south line of said township and the south line of township K in the second range, to township numbered fifteen in the third range, thence north to the northeast corner of township number fifteen in the third range, thence west to the northwest corner of township numbered fifteen in the third range, thence south to the southwest corner of township numbered fifteen in the third range, thence west to the northwest corner of township numbered fourteen in the fourth range, thence south to the southwest corner of township numbered fourteen in the fourth range, thence west on the dividing line of townships thirteen and fourteen to the seventh range line, thence north to the northeast corner of township number fourteen in the eighth range, thence west to the west line of the state, compose the northern registry district of Aroostook county, and the register shall keep his office in the town of Fort Kent.

109 Me. 48.

Sec. 8. Office in shire town. R. S. c. 12, § 8. The register of deeds in each county in which there is but one register shall keep his office in the shire town.

Sec. 9. In case of vacancy, clerk of courts to be register. R. S. c. 12, § 9. In case of vacancy in the office of register and of his clerk in any county or registry district, the clerk of the judicial courts of the same county, being first sworn, shall perform all duties and services required of a register of deeds, during such vacancy; complete all unfinished business; receive the same compensation and be subject to the same liabilities as a register of deeds; and his certificate shall have the same effect as if made by the register.

See Const. Me. Art. ix. § 2; 115 Me. 108.

Sec. 10. Clerk may appoint an assistant; oath. R. S. c. 12, § 10. In any county where there are two or more registry districts, such clerk may appoint some suitable person under him to take charge and perform the duties of said office, during such vacancy, in the district or districts in which the registry is not kept in the shire town. The person so appointed shall be sworn, and said clerk shall be responsible in all cases for his doings.

Sec. 11. Register may be removed for misconduct or incapacity. R. S. c. 12, § 11. When on presentment of the grand jury or information of the attorney-general to the supreme judicial or superior court, any register of deeds, by default, confession, demurrer, or verdict, after due notice, is found guilty of misconduct in his office, or incapable of discharging its duties, the court shall enter judgment for his removal from office, and issue a writ to the sheriff to take possession of all the books and papers belonging thereto, and deliver them to the clerk of said court, that he may perform the duties of register as prescribed in sections nine and ten.

*60 Me. 66.

Sec. 12. Register's successors may complete records, and grant certificates. R. S. c. 12, § 12. Such clerk or his substitute, or the newly appointed or elected register, or any successor within five years after the original vacancy occurred, shall complete, compare, and certify any unfinished record or certificate required by law; and make all requisite certificates upon deeds and other papers recorded, which his removed predecessor should have done if such records and certificates had been completed by him, which certificates shall be as effectual in law as if made by his predecessor; for doing this, the minutes made by his predecessor upon such deeds or other papers, and the entries made by him in the books required to be kept for such purposes shall be sufficient authority. If payment for such services has been made to his predecessor, he shall be paid for them out of

the county treasury; and the former register and his sureties shall refund such payments to the county treasury, to be recovered by suit upon his official bond.

115 Me. 454.

Sec. 13. Certificates, conditions and requisites of. R. S. c. 12, § 13. No such certificate shall be made, except upon comparison of the original instrument with the record thereof, by the register making the certificate, and such certificate shall state the date when it was made, the fact of comparison, and the date when the original instrument was left for record; but shall be only prima facie evidence of the last fact.

Sec. 14. Recording officer not to draft or aid in drafting any document he is required to record. R. S. c. 12, § 14. No city, town, county, or state officer whose duty is to record conveyances of any kind, assignments, certificates, or other documents or papers whatsoever, shall draft or aid in drafting any conveyance, assignment, certificate, or other document or paper which he is by law required to record, in full or in part; under a penalty of not exceeding one hundred dollars, to be recovered by any complainant by action of debt for his benefit or by indictment for the benefit of the county.

Sec c. 75, § 30; c. 92, § 14; *115 Me. 454.

Sec. 15. Records. Index. R. S. c. 12, § 15. The records in each registry office shall be made on a paper of firm texture, well sized and finished, the principal ingredient of which is linen. The registers shall make an alphabetical index to the records without charge to the county, in the form known as ledger index, so that the same surnames shall be recorded together in each column of index, or in lieu of such book shall make a suitable card index. All indexes made under the provisions of this section shall show in addition to the names of the parties and the nature of the instrument, the date of the instrument, the date of its record and the name of the town, city, or unincorporated place where the land conveyed is situated. As often as every ten years the register shall revise and consolidate such index in such manner that all deeds recorded since the last revision of the index shall be so indexed that the same surnames shall appear together, and all names in alphabetical order. Such revised and consolidated index shall contain all data as to each and every such deed or other instrument, as is above set forth. For this work the register shall receive a reasonable compensation to be approved by the county commissioners of the respective counties, and drawn from the county treasury. Whenever for any cause it may become necessary to revise, renew, or replace any index, the new volume shall be made in conformity with the provisions hereof.

123 Me. 217.

Sec. 16. Books for records of plans furnished at expense of county; description of books; plan to be drawn on strong linen paper. R. S. c. 12, § 16. The county commissioners shall provide, at the expense of the several counties, suitable books at least twenty-four by thirty-three inches in dimension, of the best quality of strong linen drawing paper, alternated with pages of the best quality of tracing cloth, substantially bound, for the recording of such plans presented for record as may be traced or redrawn upon its pages; and shall provide other books of substantial binding with stubs for the insertion and preservation of such plans as may be presented for record drawn in ink upon muslin backed paper or parchment, that it may not be expedient to copy into the first book mentioned; no plan shall be accepted for record except to be redrawn upon the pages of said books, except said plan shall be drawn with ink upon strong linen paper or tracing cloth. Each register shall make a suitable index of all plans on record in his office.

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Sec. 17. Deeds considered recorded when minute of time of reception is made; records attested by volume. R. S. c. 12, § 17. 1917, cc. 121, 299. 1921, c. 118. Every register shall, at the time of receiving any deed or instrument for record, certify thereon the day and the hour and minute when it was received and filed; every such paper shall be considered as recorded at the time when it was received and such time shall be entered on the record thereof. Within one hour after its delivery to him, the register shall enter such time, the names of the grantor and grantee, and their places of residence, the nature of the instrument, the amount of the consideration named therein and the name of the town or unincorporated place as shown by the instrument, in which the property conveyed is located, in a book kept for that purpose, and open to inspection in business hours; and he shall suffer no deed or instrument for the conveyance of real estate to be altered, amended or withdrawn, until it is fully recorded and examined. The records may be attested by the volume, and it shall be deemed to be a sufficient attestation of such records, when each volume bears the attest with the written signature of the register or other person authorized by law to attest such records.

12 Me. 501; *17 Me. 395; *33 Me. 375; 35 Me. 557; 42 Me. 341; 81 Me. 302; *97

Me. 223, 224, 227.

Sec. 18. Miscellaneous records. R. S. c. 12, § 18. Registers shall receive and record all certificates in equity, copies of judgments and decrees certified by the clerk of courts in the county where the bill is pending, or the judgment or decree is rendered, certified copies of the proceedings of any court, corporation, municipal body, or other tribunal, through or by which the right of eminent domain has been or may hereafter be exercised to affect the title to real estate, copies of portions of wills devising real estate situated in their respective counties or districts, and all other instruments which they are by law required to record. They shall receive all copies of seizures on execution, and special attachments made and attested by any officer, of real property situate in their respective counties or districts; and certify on them the time when they are received; also certificates of advertised stallions, and copies of processes against domestic corporations filed for service by officers in the registry, keep them on file for the inspection of parties interested, and enter them in suitable books, properly indexed.

See c. 5, § 95; c. 42, § 17; c. 69, § 12; c. 75, § 24; c. 88, § 15; c. 90, §§ 13, 31; c. 94, § 20; c. 104, § 39; c. 123, §§ 7, 10, 30, 62; c. 126, § 18.

Sec. 19. Records of towns may be delivered to Maine Historical Society for safe keeping; certified copies may be used in evidence. R. S. c. 12, § 19. All persons, other than registers of deeds, having possession of or owning the records of the original proprietors of any town or plantation in this state, may deliver the same to the Maine Historical Society for preservation and safe keeping. Said society shall cause a true copy thereof to be made and certified by the secretary of the society and the same shall then be filed in the registry of deeds in the county or registry district in which said town or plantation is situated, and be kept there as a public record. Any transcript from said copy of said records, certified by the register of deeds, may be used in evidence in all cases in which the same is material and with the same effect as though the original records were produced.

Sec. 20. Owner of original records reimbursed for expenses. R. S. c. 12, § 20. Whoever, having possession of, or owning any such original records, delivers them to the Maine Historical Society as provided in the preceding section, shall be paid from the state treasury the reasonable expenses incurred by him in obtaining possession or becoming the owner thereof, whenever the amount of

such expenses shall have been certified by the Maine Historical Society to, and approved by the governor and council; and the cost of making said copy and of filing it in the registry of deeds shall be paid to said Maine Historical Society by the treasurer of state whenever said cost shall have been certified to and approved by the governor and council; provided, however, that the sums expended in any year under the provisions of this section shall not exceed in the aggregate the sum of five hundred dollars.

Sec. 21. Plans of land lotted for sale to be filed; penalty for neglect. R. S. c. 12, § 21. Whoever lots or causes to be lotted for the purpose of sale, any tract of land, shall, before making any deed of such land or any part thereof, file with the register of deeds for the county or registry district wherein such land is situated, an accurate plan of such property, which plan shall give such courses, angles, and distances as will be sufficient to enable a skilful surveyor to locate any lot shown thereby. If such party, after request by any interested party or by the register of deeds, fails to comply with this section, he shall be liable to a penalty of not exceeding fifty dollars, to be recovered in an action of debt in the name of the register of deeds for the benefit of the county.

Sec. 22. Duplicates of plans on court files. R. S. c. 12, § 22. Whenever in the settlement of any disputed line or in the division of any estate, any plans are made for filing in the office of the clerk of courts or the register of probate, duplicate plans shall in all cases be filed in the registry of deeds.

Sec. 23. County commissioners may collect and preserve plans of townships; copies, how prepared; filing and indexing. R. S. c. 12, § 23. The county commissioners shall, at the expense of their respective counties, procure such plans of the townships in their counties as may be in existence; and if the original plans are not in existence, or cannot be had at a reasonable price, they shall procure copies of the most authentic plans known to exist. All such copies shall be on the best quality of linen paper backed with cloth. Suitable filing cases shall be provided in each registry of deeds for the reception and preservation of such plans, and a suitable index thereof shall be made.

Sec. 24. May procure other plans of interest to county; exception. R. S. c. 12, § 24. Said commissioners may at their discretion procure such plans, other than township plans, of properties within their counties, either original or copies, as they deem for the interest of their counties to have preserved on the files of the registry of deeds. This section shall not be construed to allow of the purchase of any plan which the proprietor of any estate is required by law to file with the register of deeds.

Sec. 25. Plans showing allotment of lands in cities and towns, recorded. R. S. c. 12, § 25. The aldermen of any city and the selectmen of any town may, and upon the written request of three or more taxpayers of the city or town shall, cause any plans in the possession of the city or town, or otherwise available, showing the allotment of lands in said city or town, to be recorded in the registry of deeds in the county or registry district, wherein any such city or town is situated. Said plans shall be transcribed or copied upon mounted drawing paper of the best quality in a suitable book furnished by the register at the expense of the county.

Sec. 26. Copies of transfers of wild lands sent to state assessors. R. S. c. 12, § 26. In each county containing wild lands, so called, the register of deeds shall transmit to the board of state assessors certified copies of the record of all transfers of wild lands made after the twentieth day of March, nineteen hundred and seven, within ten days after such record is made. Such copies shall be placed on file and retained for future reference by the board of state assessors.

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Sec. 27. Lien notices for internal revenue taxes may be filed and recorded. 1925 c. 7. Notices of liens for internal revenue taxes payable to the United States of America, and certificates discharging such liens, prepared in accordance with the laws of the United States pertaining thereto, may be filed in any county in the state of Maine in the registry of deeds for that county or counties within which the property subjected to such lien is situated.

Registers of deeds shall receive, record, and index such notices and discharges in the same manner as similar instruments are recorded and indexed.

This section is enacted for the purpose of authorizing the filing of notices of liens in accordance with the provisions of section 3186 of the revised statutes of the United States, as amended by act of March 4, 1913-37 statutes at large, page 1016.

Sec. 28. Owner of farm lands may designate specific name for such lands and have same recorded in registry of deeds. 1923, c. 96, § 1. The owner of any farm lands may designate a specific name for such lands, and the said name together with a description of said farm lands according to the latest authentic survey thereof may be filed with the register of deeds of the county wherein the said lands or a part thereof are situated, and the said name together with the description of said lands shall be recorded by the register of deeds in a book to be provided for such purpose, upon payment of a fee of fifty cents, but no two names so designated and recorded shall be alike in the same county.

Sec. 29. Provisions for transfer of name. 1923, c. 96, § 2. Whenever any owner of farm lands the name of which has been recorded as provided in this act, transfers by deed or otherwise the whole of such farm lands, such transfer may include the registered name thereof; but if the owner shall transfer only a portion of such farm lands, then the registered name thereof shall not be transferred to the purchaser, unless so stated in the deed of conveyance.

Additional Records in Registry of Deeds:
 Copies of records of deeds in office of Forest Commissioner, c. 11, § 4.
 Certificate discharging lien of inheritance tax, c. 77, § 10.
 Release of lands sold by treasurer of state for taxes, c. 13, § 48.
 Returns of Indian commissioners, c. 17, § 28.
 Proceedings for location of lands reserved for public uses, c. 20, § 63.
 Proceedings for location of drains and ditches, c. 25, § 32.
 Proceedings for abolishment of grade crossings, c. 27, § 34.
 Proceedings for taking of land by state highway commission, c. 28, § 11.
 Order of commissioners of inland fisheries and game, setting apart waters for fish culture, c. 37, § 5.
 Description of land taken for fish hatcheries, c. 37, § 8.
 Proceedings for taking of land for cultivation of shell fish, c. 49, § 54.
 Certificate of claim to lien for amount due on premium note given to mutual insurance company, c. 59, § 40.
 Decree for judicial separation of husband and wife, c. 74, § 16.
 Notices of election to waive will and claim share of estate, c. 88, § 15.
 Judgment for partition, c. 101, § 21.

CHAPTER 16.

County Treasurers.

Sec. 1. Treasurer to be chosen every four years; persons not eligible. R. S. c. 13, § 1. 1917, c. 118. In each county some resident thereof shall, on the second Monday of September, nineteen hundred eighteen, and every four years thereafter, be chosen treasurer by the ballots of persons authorized by the constitution to vote for representatives. Neither the attorney general, county attorney, clerk of courts, sheriff of the county, nor any of his deputies shall be county treasurer.

See Const. Me., Art. ix, § 2.

Sec. 2. Elections, when and how held; notice to county commissioners. R. S. c. 13, § 2. The meetings for election of treasurers shall be notified, held, and all proceedings therein regulated, returns made, and proceedings thereon had, as provided in section two of chapter fifteen; and the governor and council shall forthwith notify the county commissioners of the county where such person resides, of his election.

²⁵ Me. 568.

Sec. 3. Bond and tenure of office. R. S. c. 13, § 3. 1919, c. 29. The person so elected and accepting shall give bond to the county for the faithful discharge of his duties in such sum as the commissioners order and with such sureties as they approve in writing thereon, and shall hold his office for four years from the first day of the next January, and until another is chosen and qualified in his place.

See c. 2, § 57; c. 148, § 14; 69 Me. 364, 366.

Sec. 4. Vacancy filled by appointment; new treasurer to be chosen at next biennial election. R. S. c. 13, § 4. 1921, c. 8. If a person so chosen declines to accept, or a vacancy occurs, the governor, with the advice and consent of the council, may appoint a suitable resident of the county, who, having accepted the trust, given bond, and been sworn, shall be treasurer until the first day of January following the next biennial election, at which said election a treasurer shall be chosen for the remainder of the term, if any; but in any event he shall hold office until another is chosen and qualified.

Sec. 5. Deputy treasurer of Cumberland county; appointment; bond. 1927, c. 117, § 1. The treasurer of Cumberland county may appoint a deputy treasurer who shall assist the treasurer in performing the duties of his office. Such deputy treasurer shall give bond to the county for the faithful discharge of his duties in such sum as the county commissioners order and with such sureties as they approve in writing thereon, the premium of such bond to be met by the county.

Sec. 6. Treasurer to account to county commissioners; may enforce payment of taxes. R. S. c. 13, § 5. The treasurer shall apply all moneys received by him for the use of the county, toward defraying its expenses, as the county commissioners, and the supreme judicial or superior court by their written order direct; each treasurer shall account with the commissioners of his county for all receipts and payments. He may enforce payment of taxes, in the manner prescribed for the treasurer of state.

See c. 13, §§ 50, 61, 62, 89, 98, 99, 104; c. 14, §§ 42, 48, 49, 53, 71; 62 Me. 255.

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Sec. 7. Receive costs in favor of state. R. S. c. 13, § 6. Costs in all civil actions in the name of the state on scire facias or other process, paid before execution issues, shall be paid to the clerk of the court where the suit is pending, and be by him paid without deduction, to the county treasurer.

Sec. 8. Treasurers to make annual statement of financial standing; publish same for distribution. R. S. c. 13, § 7. Each treasurer shall, at the end of each year, in connection with the commissioners, make a statement of the financial condition of the county, showing in detail all moneys received into and paid out of its treasury, including a statement in detail of all sums received under section twenty-one of chapter seventy-eight and other facts and statistics necessary to exhibit the true state of its finances, including the number of weeks' board and expense of clothing furnished prisoners, and shall publish in pamphlet form, a reasonable number of copies for distribution among its citizens.

See c. 4, § 18.

Sec. 9. Payments to county law libraries. R. S. c. 13, § 8. 1921, c. 30. The treasurer of each county, except the county of Lincoln, shall annually pay to the treasurer of the law library association of his county, for the uses and benefits of the county law library, the sum of five hundred dollars. The treasurer of the county of Lincoln shall annually pay to the treasurer of the law library association of his county, the sum of two hundred and fifty dollars. The treasurer of Aroostook county shall pay annually to the law library association of said county the sum of five hundred dollars, in addition to the five hundred dollars above mentioned, and at least five hundred dollars shall be expended annually by the library association of said county for books for the library at the court house at Caribou in said county. The treasurer of each county shall also pay to the treasurer of the law library association of his county all money received from persons admitted as attorneys in the supreme judicial court upon motion, without a certificate from the board of examiners of applicants for admission to the bar.

Sec. 10. Record of fines and bills of costs. R. S. c. 13, § 9. He shall enter in a suitable book an account of all fines, forfeitures, and bills of costs accruing to the state, which are, from time to time, certified to him by the clerk of the judicial courts of the county, and he shall note in said book when any of said sums are paid.

See c. 147, § 1.

Sec. 11. Annual schedule of securities taken on discharge of prisoners. R. S. c. 13, § 10. He shall, within three months before the first Wednesday of each January, lay before the county commissioners a schedule of all notes and securities taken by the sheriff of such county for fines and costs on the liberation of poor convicts from prison, and by him delivered to said treasurer.

Sec. 12. Also his own account, with county estimate. R. S. c. 13, § 11. He shall, annually, prepare and deliver his account as treasurer to the close of every year, to the clerk of the county commissioners, to be by him enclosed with the estimates for county taxes made by said commissioners, and transmitted to the secretary of state.

See c. 13, §§ 70, 71.

Sec. 13. Accountable to county commissioners. R. S. c. 13, § 12. Every treasurer holding money or effects belonging to his county, shall, annually, and oftener if required, exhibit an account thereof to the county commissioners for adjustment.

69 Me. 364.

Sec. 14. Account for money paid by U. S. for use of jails. R. S. c. 13, § 13. He shall receive, for the county, all money paid by the United States for the use and keeping of county jails, and account therefor according to law.

Note. County treasurers; duties as to fines and costs in criminal cases, c. 147, §§ 11-14.

CHAPTER 17.

Indian Tribes.

Sections 1-9 Agents.
 Sections 10-44 Penobscot Tribe.
 Sections 45-54 Passamaquoddy Tribe.
 Sections 55-61 General Provisions.

Agents.

Sec. 1. Agents, appointment and tenure. R. S. c. 14, § 1. Agents for the Penobscot and Passamaquoddy tribes of Indians shall be appointed by the governor, with the advice and consent of the council, and hold their office during the pleasure of the governor and council.

Sec. 2. Vacancies. R. S. c. 14, § 2. Vacancies shall be filled by the governor with the advice and consent of the council, but there shall never be more than three agents for each tribe.

Sec. 3. Bond of agents; duties. R. S. c. 14, § 3. Such agents shall give bond to the state, with sureties or with a surety company authorized to do business in the state, as surety, to the satisfaction of the governor and council, for the faithful discharge of their duties, and have the care and management of the property belonging to the tribes for their benefit; each of said agents shall at least once in six months visit each Indian reservation within his agency limits where Indians reside, and incorporate into his annual report the dates of such visits and the condition in which he found the Indians on each reservation at each visit.

See Const. of Me. Art. ix, § 1; see c. 125, § 55.

Sec. 4. Record of proceedings; account of receipts and expenditures. R. S. c. 14, § 4. The agents shall keep a true record of their proceedings, and correct accounts of all receipts and expenditures of every kind; and shall annually, and oftener if required, lay them before the governor and council for inspection and adjustment, who may settle and adjust them, and draw warrants on the treasury for such sums as are, from time to time, found necessary to carry into effect all treaties with said tribes.

Sec. 5. Agents not to exceed appropriations. R. S. c. 14, § 5. Agents shall not exceed in their expenditure the appropriations for their tribes, without the written order of the governor, nor shall they be reimbursed for any excess.

See c. 2, § 127.

Sec. 6. Agents' annual reports. R. S. c. 14, § 6. 1925, c. 178, § 1. The agents shall submit annual reports to the governor and council on or before the fifteenth day of each July.

Sec. 7. Contracts of Indians for timber and grass, void. R. S. c. 14, § 7. Contracts relating to the sale or disposal of trees, timber, or grass on the Indian lands made with any Indian belonging to either of said tribes, unless examined and allowed by the agent of his tribe, are void.

24 Me. 409.

Sec. 8. Limitations of leases and contracts made by agents. R. S. c. 14, § 8. No lease of land, or contract for trees, timber, or grass, made by the agent of

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either tribe, has effect for more than one year; nor shall an agent, in any one year, sell or dispose of trees or timber of said Indians to an amount exceeding five hundred dollars, except as provided in sections twenty-seven and forty.

Sec. 9. Agents may sue in their own names. R. S. c. 14, § 9. Such agents may, in their own names and capacity, maintain actions for money due to any Indians, and for injuries done to them or their property; and all sums or damages so recovered shall be distributed to the Indians of the tribe, according to their usages, or be invested in useful articles.

*²¹ Me. 536. See P. & S. L. 1867, c. 325.

Penobscot Tribe.

Sec. 10. Tribal committee chosen annually; membership. R. S. c. 14, § 10. A tribal committee of the Penobscot tribe of Indians shall be chosen annually, in the month of November, to consist of twelve members of said tribe. No member of said committee shall be less than twenty-one years of age. Six members thereof shall be chosen by the old party so called, and six members thereof by the new party, so called, at separate meetings held as hereinafter provided.

Sec. 11. Meetings for election of committee; certificates of election; vacancies. R. S. c. 15, § 11. Meetings of each of said parties for the election of members of said committee shall be called by the agent of said tribe, who shall give notice thereof in the same manner as notice of the meeting for the election of governor of said tribe is required to be given; and at such meeting said agent or some person appointed in writing by him shall preside, who shall receive, sort, count, and declare in open meeting the vote given in for members of said committee. The said agent shall issue certificates of election to the persons thus elected, who shall hold office as such members, until a new election is had, unless their term of office is sooner terminated by resignation or by ceasing to be members of said tribe. Whenever any vacancy occurs in said committee, the agent shall call a meeting of the party entitled to fill the same, and said party shall fill such vacancy.

Sec. 12. Committee may adopt person into tribe. R. S. c. 14, § 12. Said tribal committee at any regularly held meeting may, by three-fourths vote of its total membership, adopt into said tribe any person who is in whole or in part of Indian blood, and who has had his or her residence for at least one year next preceding such adoption upon any reservation of said tribe; and the decision of said committee upon such residence and Indian descent shall be conclusive. The adoption of a child by any member of the tribe under ordinary legal process shall not of itself constitute such child a member of said tribe; but the power of adoption into the tribe shall in all cases rest with the aforesaid tribal committee.

Sec. 13. Certificate of adoption to be filed with agent. Such person not to hold certain offices. R. S. c. 14, § 13. 1917, c. 122. Whenever said tribal committee shall vote to adopt any person into said tribe, a certificate of such vote of adoption shall be signed by the person presiding at the meeting, and said certificate shall be filed with the agent of said tribe; and said adopted person shall thereafter be deemed and accepted to be a member of said tribe for all intents and purposes, and shall be enrolled as such upon the list of its members. But no person hereafter adopted into the tribe shall be eligible to hold the office of governor, lieutenant-governor, or representative of said tribe.

Sec. 14. Persons adopted, required to make oath. R. S. c. 14, § 14. Every male person adopted as above provided, shall, within one month after such adoption, or if a minor within one month after becoming twenty-one years of age,

make oath before the agent of said tribe that he will demean himself as a discreet, industrious, and good member of said tribe, and will faithfully fulfil the duties incumbent upon him as such member.

Sec. 15. Membership, how acquired. R. S. c. 14, § 15. Membership in the Penobscot tribe of Indians may, after March twenty-two, nineteen hundred and one, be acquired only as follows:

I. By birth.

II. By adoption into the tribe as determined by its tribal committee, in accordance with the provisions of sections twelve and thirteen.

III. By marriage to a male member of said tribe; but membership by marriage can be acquired only by such persons as are in whole or in part of Indian blood, and it shall not include the previous issue of the person acquiring it.

Sec. 16. Evidence of marriage. R. S. c. 14, § 16. A certificate of marriage signed by the person solemnizing the same, or an attested copy of the record thereof, shall be sufficient evidence of such marriage.

Sec. 17. Membership deemed lost when tribe is abandoned. R. S. c. 14, § 17. If any member of said tribe shall abandon it and join another tribe of Indians, he shall be deemed to have lost his membership in the Penobscot tribe, and shall not be entitled to any share of dividends, rentals, or other money thereafter apportioned among the members of said tribe, nor to any other subsequent rights of membership.

Sec. 18. Dividends payable if member resides within state and reports to agent once a year; otherwise not. R. S. c. 14, § 18. 1925, c. 43, § 1. If any member of the tribe shall reside outside the tribal reservation, but within the state he shall report to the agent of the tribe at least once in each year in order to be entitled to his share of dividends, rentals, or other money apportioned to members of the tribe. During such time as he shall reside without the state he shall not be entitled to any part of the dividends, rentals, or other money apportioned to members of the tribe.

Sec. 19. Loss of membership does not affect membership of other members of the family. R. S. c. 14, § 19. When any member loses his membership under section seventeen, or his right to share in dividends, rentals, or other moneys under section eighteen, no member of his family to whom the provisions of said sections do not personally apply shall be deemed to have lost such membership or right.

Sec. 20. Restoration to membership. Proceedings. R. S. c. 14, § 20. 1925, c. 43, § 2. Any person a member of said tribe on March twenty-second, nineteen hundred and one, as shown by the tribal census taken under the laws of the state, who shall have forfeited any rights of membership may regain said rights by petition, under oath, to the Indian agent, alleging one year's continuous residence within the state. If at the end of sixty days said agent shall have refused or neglected to restore said person to membership he shall have the right of appeal to the tribal committee which shall thereupon forthwith hear the facts and enter such judgment as to restoration to membership as is just and right. Such renewal of rights shall not entitle such person to any share of the dividends, rentals, or moneys which previously thereto have come into the hands of the agent, nor have any other retrospective effect.

Sec. 21. Money forfeited may be used for benefit of family. R. S. c. 14, § 21. If any member of said tribe shall desert his family, or fail to provide properly for said family's support, the agent may in his discretion use for the benefit of such family any part or all of said member's dividends or share of rentals or

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any money assigned to him from state funds or coming to him in any way by apportionment or distribution through the hands of said agent.

Sec. 22. Persons not belonging to tribe may be required to remove from reservation; proceedings; penalty if respondent does not comply with order to remove; costs. R. S. c. 14, § 22. Any person residing or commorant upon the tribal reservation of the Penobscot tribe of Indians, not being a member, nor the husband, wife, or legally adopted child of a member of said tribe, may be required to remove therefrom by a written notice given to him in hand under the signature of the governor, or in his absence, the lieutenant governor and of the agent of said tribe. A copy of such notice attested by said agent, with a return of service thereon by any officer qualified to serve criminal precepts, or an affidavit of service by any other person, shall be filed with said agent and be sufficient evidence of such service. If the person so notified shall not remove from said reservation within two days after service of said notice upon him, the agent or any member of the tribe may make complaint to the judge of the Old Town municipal court, who shall cause a certified copy of said complaint with a notice of the time and place of hearing thereon to be given in hand to said person or left at his place of last and usual abode at least two days before the time fixed for said hearing, or may cause said person to be at once apprehended and brought before said court. After due hearing, said judge may, if he is satisfied that such removal is approved by the majority of the adult members of said tribe or is for any cause proper to be enforced, order the respondent to remove within a specified time beyond the tribal reservation limits. If the respondent fails to obey said order, or if within one year after the service of said notice he shall again become resident or commorant upon any reservation of said tribe without the consent of said agent and said governor or lieutenant governor, said judge may cause such person to be apprehended and brought before said court, and may punish him by fine of not more than twenty dollars or by imprisonment for not exceeding thirty days, or by both fine and imprisonment. The costs of all such court proceedings under this section may be included in the order or sentence of said judge; and if the respondent fails to pay the same, he may be committed to jail for not exceeding thirty days additional to any imprisonment otherwise imposed upon him; and in such case, or if the judge does not include said costs in his order or sentence, such costs shall be paid by said agent from the tribal fund. Costs shall be taxed as in ordinary proceedings upon complaint.

Sec. 23. Relief of persons found destitute on reservation, not members of tribe. R. S. c. 14, § 23. For all relief to any person not a member of the Penobscot tribe of Indians, nor having a pauper settlement in this state, found destitute and in distress upon any tribal reservation of said tribe, which has been furnished by the agent of said tribe or by the overseers of the poor of the town within whose territorial limits such person is so found, the state shall reimburse said agent or said town to such extent as the governor and council adjudge to have been necessarily expended therefor. The reasonable expenses and services of said overseers relative to said pauper shall be included in the amount to be so reimbursed.

Sec. 24. Relief of members of tribe found destitute beyond tribal reservations. R. S. c. 14, § 24. 1927, c. 28. When any member of said tribe is found destitute and in distress beyond the tribal reservation and is relieved by the town in this state where he is so found, the overseers of the poor of said town may send to the agent a statement specifying the nature, dates and amounts of the supplies furnished, which shall be transmitted to the governor and council with such additional statements of fact as said agent may think proper; and the state

shall reimburse said town for the relief so furnished, to such extent as the governor and council adjudge to have been necessarily expended therefor. Any member of said tribe found destitute and in distress beyond the tribal reservation may be removed by the agent from any place in which he may be residing, or be found, to said tribal reservation, whenever, in the judgment of the agent, such removal should be made.

Sec. 25. Payments by agent. R. S. c. 14, § 25. The agent for the Penobscot tribe shall provide, furnish, pay, and deliver to said tribe, on account of the state, such articles, goods, provisions, and moneys, as from time to time become due under any treaty or law.

See Resolves 1867, c. 96.

Sec. 26. School moneys of tribe, how expended. R. S. c. 14, § 26. 1927, c. 123. All money appropriated for schools for the Penobscot tribe of Indians shall be expended under the supervision of the agent of said tribe, subject to the approval of the governor and council; said agent shall employ the teachers and fix their salaries, limited by such appropriation. The schools upon island number one, commonly called Indian Old Town island, shall be under the care and supervision of the superintendent of schools of the city of Old Town; and those within the territorial limits of any other town, under the care and supervision of the superintending school committee of such town. Said superintendent or school committee shall visit such schools at least three times during each school term; regulate the grades and courses of study; assist the teachers and scholars by counsel, determine when any scholar of said tribe may properly be admitted or transferred to the public schools of said city or town; and make report to the agent once each year, noting therein such facts and information as may seem of importance in the interest of education among said tribe, or as may be required by the governor and council. The agent shall pay said superintendent or school committee from said school appropriation a reasonable compensation for services; but the compensation of the superintendent of schools of the city of Old Town for said services shall not be less than one hundred dollars per year.

Sec. 27. Islands of Penobscot Tribe may be leased; assent. R. S. c. 14, § 27. The islands belonging to said tribe may be leased by their agents for the benefit of such tribe, for a term not exceeding twelve years, if such lease, and the terms and conditions thereof are assented to by the governor and lieutenant governor of the tribe, and approved by the governor of the state; if such lease is on credit, it shall be at the risk of the agent, and accounted for as money; and the avails thereof shall be placed by him in the state treasury, subject to the order of the governor and council according to law.

Sec. 28. Returns and land certificates of Indian commissioners, to be recorded. R. S. c. 14, § 28. The agent of the Penobscot tribe shall record the return of the Indian commissioners appointed by the governor and council under chapter one hundred and thirty-seven of the public laws of eighteen hundred and eighty-three, as made to him, as well as the certificates when issued by him upon such return, in suitable duplicate books having proper indexes, one of which shall be kept by said agent and his successors for reference, and the other shall be deposited in the registry of deeds of Penobscot county to be kept like other records.

Sec. 29. Indian holding land under certificate, may convey same to another Indian of same tribe. R. S. c. 14, § 29. Any Indian holding lands under a certificate issued as aforesaid, or by virtue of any assignment under the laws for the apportionment of the lands of said Penobscot tribe, may sell and convey the same to any member of the same tribe with the approval of the agent; provided,

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that no Indian shall purchase lands upon the reservation of said tribe beyond his fair proportion of such reservation.

Sec. 30. Lots not to be sold or leased. R. S. c. 14, § 30. No such Indian shall sell or lease his lot except as provided by law; and if he carries off the growth faster than is necessary for cultivation, except by permission of the agent, or commits strip or waste, he shall be dealt with as a trespasser.

^{*69 Me. 477. See Resolves 1867, c. 133; 1878, c. 6.}

Sec. 31. Surveys and plans of islands deemed authentic; water privileges and wood and timber lands reserved for public use of tribe. R. S. c. 14, § 31. The surveys of the islands in Penobscot river from Old Town Falls to Mattawamkeag Point and field notes thereof, as made under chapter one hundred and fifty-eight of the public laws of eighteen hundred and thirty-five and chapter three hundred and ninety-six of the public laws of eighteen hundred and thirty-nine, plans of which were returned to the land office and to the Indian agent, shall be deemed authentic in all matters to which they relate; and the water privileges belonging to said islands, valuable for mills, booms, fisheries, tracts of wood and timber land, and other lots indicated on said plans as reserved for public use, (except the public farm which is subject to allotment by chapter twenty-two, of the private and special laws of eighteen hundred and seventy-eight,) are not subject to assignment or distribution to members of said tribe, but shall remain for the benefit of the whole tribe.

Sec. 32. Assignments of unassigned lands. R. S. c. 14, § 32. The agent of said tribe, on application of any Indian thereof, male or female, twenty-one years of age or more, to whom his proportion of the tribe's lands has never been assigned, or has never come by inheritance, or who does not already hold by assignment, purchase, or otherwise his fair share of said lands, may cause a lot suitable for cultivation to be surveyed to such applicant from the unassigned lands of the tribe, if any, and may assign the same to him and designate the same upon the plan aforesaid. All lots so designated shall be limited by said plan and occupied accordingly, and any lot, when so assigned, shall be the property of the person to whom it is assigned during the pleasure of the legislature.

Sec. 33. Assignments accompanied by certificate of agent; form of certificate. R. S. c. 14, § 33. Such assignments shall be accompanied by a certificate from the agent to be recorded as in section thirty-six, in form substantially as follows:

"Know all men by these presents, that I, ———, agent of the Penobscot tribe of Indians, have caused to be surveyed and set off to ———, a portion of the lands belonging to said tribe on the islands in Penobscot river, as contemplated by acts of the legislature, bounded and described as follows, viz. :—

* * * * *

To have and to hold to him, his heirs and assigns, as contemplated by said acts, during the will of the legislature.

In witness whereof I have hereunto set my hand and seal as agent of the Penobscot tribe of Indians, this ——— day of ———, nineteen hundred and ———."

Sec. 34. Abandonment of tribe forfeits lands. R. S. c. 14, § 34. Any member of said tribe who abandons it and joins any other tribe, forfeits all lands assigned to him, and the same may be assigned anew, as provided in section thirty-two.

Sec. 35. Death of owner and description of lots to be recorded. R. S. c. 14, § 35. Said agent shall enter upon his record a memorandum of the death of any Indian owning lands, the date thereof, a description of the lots owned by

the deceased, and the names of those persons, so far as ascertainable, who are entitled to such lands by inheritance.

Sec. 36. Conveyances to be by release deed; record; lots on Old Town Island. R. S. c. 14, § 36. Conveyances made by virtue of section twenty-nine shall be by release deed, executed and acknowledged, and the approval of the agent shall be written thereon; said deed and approval shall be recorded by the agent, without fee, in a suitable book kept by him; also by the register of deeds of Penobscot county in a like book kept in the registry of deeds in said county, upon payment of twenty-five cents for each deed so recorded. And until recorded as herein provided, no deed made as aforesaid shall pass any title. This chapter applies to house lots on the point of Old Town island, as well as to lands allotted for agricultural purposes.

Sec. 37. Deeds made and deposited with agent may be delivered after death of grantor. R. S. c. 14, § 37. Deeds made by any Indian of the Penobscot tribe as provided in the preceding section, may be deposited with said agent to be delivered by him to the grantee named therein, after the death of the grantor, if the fact that such deed is so deposited to be so delivered appears by the deed itself; and when delivered by said agent, it shall pass all the title of the grantor in the premises at the time of his death.

Sec. 38. Copies of deeds are evidence. R. S. c. 14, § 38. Copies of deeds or certificates recorded as provided in this chapter, duly attested by the register of deeds or by the agent of said tribe, shall be evidence in all actions or controversies relating to title to lands between members of said tribe.

Sec. 39. Lease of island shores; rents of shores, how appropriated. R. S. c. 14, § 39. 1919, c. 13. The shores of the islands in the Penobscot river belonging to said tribe shall be leased for booming or hitching logs, under the orders of the governor and council. Such leases shall not run longer than five years. All sums received from rent of said shores shall be paid to the treasurer of state, to be held in trust, and paid to said tribe on warrant of the governor and council as provided in section one, chapter two hundred and sixty-seven of the special laws of eighteen hundred and seventy-three.

See P. & S. L. 1873, c. 267; 1917 c. 78.

Sec. 40. Agents may lease privileges for mills, booms, and fisheries. R. S. c. 14, § 40. The agent may, with the approval of the governor and council, lease any reserved privileges for mills, booms, and fisheries for a term sufficiently long to induce persons to take leases of them; and all rents shall be paid into the treasury, to be expended for the benefit of the tribe, under the direction of the governor and council.

Sec. 41. Warrants for interest on four townships purchased; also for rents. R. S. c. 14, § 41. The governor and council may draw warrants on the treasury for any sum not exceeding the interest on the price of the four townships purchased by the state of the Penobscot tribe in June, eighteen hundred and thirty-three, and of any other money paid into the treasury; and for the full amount of rents paid in as aforesaid; and when the whole amount of such sums, in the opinion of the governor and council, is more than is necessary for said tribe, the excess may be invested for their benefit.

Sec. 43. Biennial election of tribe. R. S. c. 14, § 43. On the first Tuesday of November, eighteen hundred and eighty-four and biennially thereafter, the Penobscot Indians shall hold their election for the choice of governor and lieutenant governor of said tribe, and a representative to the legislature of this state. The agent of said tribe shall give notice of the time and place, seven days before said day of election, by posting notices thereof, one at his office and one in some

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conspicuous place on Old Town island. Said agent shall receive, sort, and count the votes given in at said election, in presence of the members of the tribe, and shall give to those elected certificates thereof.

Sec. 44. Members of tribe not to sell standing wood or timber on reservation except to members of tribe. 1919, c. 86. No member of Penobscot tribe of Indians shall hereafter be permitted to sell any standing wood or timber growing on any islands or lands in the Penobscot river within the limits of the Indian reservation except to members of the tribe for fire-wood only; nor shall any member of said tribe lease any portion of his lands or islands within the limits of said reservation for the purpose of permitting any standing wood or timber to be cut and removed therefrom, except with the consent and approval of the Indian agent.

Note. The Penobscot tribe authorized to establish and maintain a ferry between Indian Island and the city of Old Town, P. & S. L., 1913, c. 132.

Registration of dogs, P. & S. L. 1917, c. 79.

Sec. 42. Census of Penobscot Indians; annual meeting with school committee of Old Town; notices; tribal committee to meet school committee; persons entitled to membership to be reported; correction of lists; compensation of committee. R. S. c. 14, § 42. An accurate census of the Penobscot tribe shall be taken early each January by one or more of the superintending school committee of the town of Old Town upon the best information which they can obtain, as hereinafter provided, stating, as nearly as may be, the name, sex, and age of each Indian as it existed on the first day of such January, each family by itself. On or before the tenth day of January, annually, the original, certified under oath, shall be delivered to the agent, and a copy thereof to the governor of said tribe for their use. On the first Wednesday of January, annually, said committee shall hold a meeting with said tribe on Old Town island, for receiving information from such of the tribe as may attend, as to the membership of the tribe, the identity of persons, and the correctness of names; due notice in writing of the time and place of which meeting shall be given by said committee. The tribal committee shall meet the said superintending school committee at the time and place so appointed. At said meeting any member of said school committee shall preside, and fifteen of said tribal committee shall constitute a quorum thereof; and on said first Wednesday of January annually, the names of all persons entitled to membership under section fifteen shall be reported by the tribal committee to the person authorized by law to take the census of said tribe, and shall thereupon be placed on the census roll.

Corrections of the list, by reason of births, deaths, or omissions, may, as they come to the knowledge of the committee, be certified to the agent, and he shall correct his list accordingly. This list, so corrected, shall, with his account, be returned to the governor and council. A reasonable compensation shall be paid to the committee by the agent and charged in his account, and allowed and paid to him out of the state treasury.

Passamaquoddy Tribe.

Sec. 45. Agent may sell timber on Indian township; surveyor to be sworn. R. S. c. 14, § 44. 1919, c. 144. The agent of the Passamaquoddy tribe may sell to the best advantage, at public or private sale, to a citizen of the state, the timber and grass from township numbered two on the St. Croix river, usually called the Indian township, to the amount of one thousand dollars annually, and, upon the advice of the forest commissioner stating that good forestry practice

requires a larger sale, said agent may in any year sell such larger amount as the governor, with the advice and consent of his council, shall approve; expressly retaining in the written contract of sale a lien on the timber and grass cut, until the amount due for stumpage thereon is paid. Every surveyor appointed by such agent to scale or survey the lumber so sold, before entering on his duties, shall be sworn to the faithful performance of his trust, and shall file a certificate of his oath with the agent.

Sec. 46. No sale or permit to a foreigner. R. S. c. 14, § 45. No citizen or subject of a foreign government shall purchase, cut, or carry off trees, timber, or grass from the township reserved for the benefit of the Passamaquoddy tribe; and if their agent gives to such citizen or subject a permit for such unlawful purpose, he forfeits not exceeding five hundred, nor less than one hundred dollars, to be recovered by an action of debt, half to the state and half to the prosecutor.

13 Me. 385.

Sec. 47. Lands in Indian township may be leased or sold. R. S. c. 14, § 46. The governor and council may, at the expense of the state, and for the benefit of the Passamaquoddy tribe, lease or sell the whole or any part of the Indian township, on such terms as they deem just, and all sums received from such leases or sales shall be credited to the funds of said tribe.

Note. By c. 84 of the private and special laws of 1899, the governor and council were authorized to lease or sell the whole or any part of the Indian reservation in the town of Perry.

Sec. 48. Amounts due Indians to be certified to state auditor by agent; auditor to prepare warrants for payment of fund. R. S. c. 14, § 47. 1925, c. 178, § 2. Out of the interest accruing upon the funds belonging to said tribe, the agent shall certify to the state auditor the amounts due to said Indians in conformity to resolves of the legislature and for any further amounts that the legislature may appropriate, and the state auditor shall prepare warrants for the same, making all payments so far as possible direct to the person to whom such payment is due.

Sec. 49. Agent may remove distressed poor to reservation. Towns to be reimbursed for relief furnished. R. S. c. 14, § 48. 1917, c. 72. 1919, c. 8. Any member of the Passamaquoddy tribe requiring assistance under the provisions of the preceding section relating to aid to the distressed poor of said tribe, may be removed by the agent of said tribe from any place in which he may be residing, or be found, to either of the Indian reservations provided for said tribe, or may be removed from one of such reservations to another such reservation, whenever, in the judgment of the agent, such removal should be made. And when any member of said tribe is found destitute and in distress beyond the tribal reservation and is relieved by the town in this state where he is so found, the overseers of the poor of said town may send to the agent a statement specifying the nature, dates, and amounts of the supplies furnished, which shall be transmitted to the governor and council with such additional statements of fact as said agent may think proper; and the state shall reimburse said town for the relief so furnished, to such extent as the governor and council adjudge to have been necessarily expended therefor.

Sec. 50. Supervision of schools at Pleasant Point and at Peter Dana's Point; reports and compensation of superintendent; teaching in English and use of textbooks; free tuition in high schools. 1921, c. 176, § 1. 1925, c. 128. 1927, c. 56. The school at the Pleasant Point Reservation shall be under the care and supervision of the superintendent of schools of the town of Perry or of the school

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union of which Perry may be a member. The school at Peter Dana's Point shall be under the care and supervision of the superintendent of schools of the town of Princeton, or of the school union of which Princeton may be a member. All subjects shall be taught in the English language, and the text-books used shall be the same as those used in the town in which said schools are located. Said superintendents shall visit said schools at least four times during each school term; regulate the grades and courses of study; assist the teachers and scholars by counsel, or discipline; and make report once each year to the agent and to the governor and council, noting therein such facts and information as may seem of importance in the interest of education among the Indians of said reservation, or as may be required by the governor and council. The governor and council are hereby authorized to pay said superintendents reasonable compensation for said services; but the compensation shall not be less than one hundred dollars in each case, and shall be paid out of the state fund for the superintendence of school unions. Whenever it shall be shown that any of the children of the Passamaquoddy tribe shall have completed the course of study for elementary schools as prescribed or shall have passed the examination prepared by the state commissioner of education for entrance into high school under the free attendance act, such children shall be granted free entrance to any high school in the state to which said children may apply. When the children of the Passamaquoddy tribe shall have entered any high school they shall be given free tuition by said high school, and so long as they shall apply themselves with due diligence and shall make reasonable progress they shall be allowed to continue in said school to the completion of the standard secondary school course.

Sec. 51. Police officers to act as attendance officers. 1921, c. 176, § 2. It shall be the duty of the police officer at Pleasant Point and at Peter Dana's Point, in addition to the regular duties of his office, to act as a school attendance officer. Said police officer shall receive the salary provided in the appropriation made by the legislature, and fifty dollars in addition thereto at Pleasant Point, and twenty-five dollars at Peter Dana's Point, in consideration of the extra duties herein provided for. Such salary and such additional sum shall be payable by the agent quarterly, but no such payment shall be made unless it shall appear from the records of attendance at the school in the reservation in which the police officer is acting, that the attendance at the school shall have been maintained at not less than two-thirds of the total registration of children of school age, as defined by the laws of the State of Maine, during the quarter for which payment is due; provided that absences caused by epidemics, regular school holidays, and the necessary absence of pupils from the reservations shall not be counted against the said attendance average. Said sums for attendance officers shall be paid out of the appropriations for the Passamaquoddy Tribe of Indians.

Sec. 52. Health officers provided for. 1921, c. 176, § 3. The duty of caring for the health of the residents and for the general sanitation of the reservations at Pleasant Point and at Peter Dana's Point shall be vested in a person who shall be appointed by and hold office during the pleasure of the governor and council, and who shall exercise all the powers, rights, and privileges of a local board of health and health officer, as defined by the laws of the State of Maine. Said person shall have received training equivalent to that of a graduate nurse or of a nurse Sister of the Order of Sisters of Mercy, and shall receive as compensation not less than five hundred dollars per year, to be paid out of the appropriation for the Passamaquoddy Tribe of Indians. Said person shall, as nearly as may be, spend two-thirds of his or her time at the reservation at Pleasant Point, and one-third at the reservation at Peter Dana's Point; and shall at all times act under the direction of the State Commissioner of Health.

Sec. 53. Provisions of § 22 made applicable to Passamaquoddy reservation. 1923, c. 126. All the provisions of section twenty-two of this chapter shall apply to the Passamaquoddy tribe of Indians as well as to the Penobscot tribe, except that complaints under said section relating to the Passamaquoddy tribe shall be made to the judge of the Calais or Eastport municipal courts instead of the Old Town municipal court as provided in said section.

Sec. 54. Biennial election of Passamaquoddy tribe; procedure. 1927, c. 148. On the first Tuesday of November, nineteen hundred and twenty-eight, and biennially thereafter, the Passamaquoddy tribe of Indians shall hold their election for the choice of governors and lieutenant governors of said tribe, and a representative to the legislature of this state. The agents of said tribe shall give notice of the time and place, seven days before said day of election, by posting notices thereof, one at their respective offices and one in some conspicuous place on the reservations at Pleasant Point and Peter Dana's Point. Said agents shall receive, sort, and count the votes given in at said election, in the presence of members of the tribe, and those elected shall be given certificates therefor.

Note. By c. 56 of the resolves of 1887, provision was made for an agricultural superintendent for the Passamaquoddy tribe.

General Provisions.

Sec. 55. Warrants, how drawn. R. S. c. 14, § 49. The governor and council may draw warrants on the treasurer for such sums as are payable to the Indians, for the salary of the agent, and for the bounties on agricultural products as hereinafter provided.

Sec. 56. Penalty for selling or giving liquor to Indians. R. S. c. 14, § 50. Whoever sells or gives to an Indian intoxicating liquors, forfeits not less than five, nor more than twenty dollars, half to the state and half to the complainant.

Sec. 57. Bounties on Produce. R. S. c. 14, § 51. Bounties shall be paid to every Indian of either of said tribes for produce raised by him either on his own land, or on land belonging to the tribe, as follows:

- I. For every bushel of wheat, twenty cents.
- II. For every bushel of rye, oats, barley, buckwheat, peas, or beans, ten cents.
- III. For every bushel of potatoes, turnips, parsnips, beets or carrots, five cents.

Sec. 58. Proof made to agent. R. S. c. 14, § 52. Before any bounty is paid to such Indian, he shall prove to the satisfaction of the agent the number of bushels of each article before named, raised by him on such land.

Sec. 59. Agent to settle account annually. R. S. c. 14, § 53. 1925, c. 178, § 3. Agents shall keep an account of appropriations so paid out, and present it duly certified to the governor and council in January annually for examination.

Sec. 60. Relief of Indians not members of Penobscot or Passamaquoddy tribes; overseers of poor to transmit to governor and council a statement of such cases; contents of statement. 1925, c. 181. Whenever any Indian, not a member of the Penobscot or Passamaquoddy tribe of Indians or any member of the family of such Indian, is found destitute and in distress, and is relieved by the overseers of the poor of the town required by law to provide relief for such person, the overseers of the poor shall transmit to the governor and council a statement specifying the nature, dates, and amounts of the supplies furnished, together with a statement of fact relating to the condition, tribe, length of time in the state of Maine so far as may be ascertained, and such other data as may be required concerning such Indian, whereupon the state shall reimburse said town

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for the relief so furnished to such extent as the governor and council adjudge to have been expended necessarily therefor.

Sec. 61. Governor and council may expend funds of Indian tribes; conditions, consent of tribe. 1927, c. 147. The governor and council may expend for the benefit of either Indian tribe, any portion of the funds of that tribe; provided, however, that the expenditure will not decrease the principal of the fund to such an extent as to prevent compliance with any existing provisions of statute, and provided further, that the tribe whose funds are used shall consent to the expenditure at a meeting duly called for the purpose.

Note. By c. 493 of the private and special laws of 1885, the governor was authorized to appoint special constables in each of the Indian tribes of the state.

By c. 49 of the private and special laws of 1899, as amended by c. 108 of the private and special laws of 1915, provision was made for the election of a policeman by the Penobscot tribe, and c. 493 above mentioned was superseded as to that tribe.

CHAPTER 18.

The Military Law.

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Composition, Exemption, Enrolment.

Sec. 1. Composition of militia. R. S. c. 15, sec. 1. 1917, c. 259, sec. 1. 1923, c. 174, sec. 1. The militia of the state of Maine shall consist of all able-bodied male citizens of the state and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, who shall be more than eighteen years of age and, except as hereinafter provided, not more than forty-five years of age, and said militia shall be divided into three classes, the national guard, the naval militia, and the unorganized militia.

Sec. 2. Composition of national guard. 1917, c. 259, sec. 2. 1923, c. 174, sec. 2. The national guard shall consist of the regularly enlisted militia between the ages of eighteen and forty-five years, and the commissioned officers between the ages of twenty-one and sixty-four years, organized, armed and

equipped as provided by the national guard regulations, and recognized by the war department as national guard.

The restrictions as to maximum age and citizenship shall not apply to soldiers who have previously served honestly and faithfully in the United States army, navy, marine corps, the organized militia or the national guard.

Sec. 3. Exemption from military duty. R. S. c. 15, sec. 1. 1917, c. 259, sec. 3. 1923, c. 174, sec. 3. The vice-president of the United States; the officers, judicial and executive, of the government of the United States and of the several states and territories; persons in the military or naval service of the United States; custom-house clerks; persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals, and navy yards of the United States; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States, shall be exempt from militia duty without regard to age, and all persons who because of religious belief shall claim exemption from militia service, if the conscientious holding of such belief by such person shall be established under such regulations as the president shall prescribe, shall be exempted from militia service in a combatant capacity; but no person so exempted shall be exempt from militia service in any capacity that the president shall declare to be non-combatant.

Sec. 4. Enrolment. R. S. c. 15, sec. 2. 1917, c. 259, sec. 4. 1923, c. 174, sec. 4. All male citizens who are more than eighteen and less than forty-five years of age, excepting idiots, lunatics, paupers, vagabonds, habitual drunkards, and persons convicted of infamous crimes, and who are resident in this state, shall, whenever the governor may deem necessary, be enrolled by the assessors in the several cities, towns and plantations in which they reside, in such manner and according to such regulations as the governor shall prescribe. On such enrolment and opposite the name of each person who is exempt from duty under section three, or who is serving in the active militia, or who is unable by reason of physical disability to perform militia duty, the assessors shall write the word "exempt" and state in each case the cause of exemption. The assessors shall subscribe said list and make oath that the same is true to the best of their knowledge and belief; and shall file the same with the clerk of the city, town, or plantation forthwith; and each clerk shall, within ten days, make a certified statement of the total number enrolled, the number marked exempt, the number belonging to the active militia, and the number marked disabled, and forward the same to the office of the adjutant general. Any person claiming exemption shall satisfy the enrolling officer or officers of his right thereto and in case of doubt the burden of proof shall be upon the person claiming exemption, and the enrolling officer or officers may require him to submit to examination on oath and may administer such oath.

Sec. 5. Refusal to give information a misdemeanor. R. S. c. 15, sec. 4. 1917, c. 259, sec. 5. 1923, c. 174, sec. 5. Any person knowingly and wilfully refusing information or giving false information to an assessor or other authorized person making the enrolment, respecting the name, age, residence, occupation, military or naval service, physical or mental condition, or other proper subject of inquiry, of himself or any person within his knowledge liable to be enrolled, shall for each such concealment, refusal, or giving of false information be guilty of a misdemeanor. The officer making the enrolment shall, within ten days, report all persons violating this section to the adjutant general.

Sec. 6. Failure of assessors and clerks to perform duty a misdemeanor. Governor may appoint other person to act. R. S. c. 15, sec. 5. 1917, c. 259,

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sec. 6. 1923, c. 174, sec. 6. Any assessor neglecting or refusing faithfully to perform the duties of enrolling officer as required by law, or making any false entry upon said rolls, or committing any other fraud therein, and any clerk neglecting to make and forward the statement required by section four shall be guilty of a misdemeanor. Upon the failure of the assessors to make the enrolment of the militia as required by law, the governor may appoint some person to make it at the expense of the city, town, or plantation, and the person so appointed shall have all the powers and be subject to the same duties as are prescribed in the case of assessors.

Commander-in-chief and Staff.

Sec. 7. Commander-in-chief. R. S. c. 15, sec. 7. 1917, c. 259, sec. 7. 1923, c. 174, sec. 7. The governor is the constitutional commander-in-chief of the militia, except of such portions as may be at times in the service of the United States.

Sec. 8. Staff. R. S. c. 15, sec. 8. 1917, c. 259, sec. 8. 1921, c. 217, sec. 1. 1923, c. 174, sec. 8. The staff of the commander-in-chief shall consist of the adjutant general, who shall be ex-officio chief of staff, quartermaster general and paymaster general with rank of brigadier general, the senior officer on duty with each of the staff departments, and such aides-de-camp not to exceed five in number, one of whom may be a naval aide with rank of lieutenant commander, as may be appointed by the governor. Except as hereafter provided all staff officers must be at the time of their appointment commissioned officers of the Maine national guard, on the active or retired list of or above the grade of captain, but no staff officer shall be appointed from the retired list who shall have had less than eight years of service in the national guard, the last year of which shall be within ten years immediately preceding the appointment. Aides-de-camp, except as hereinafter provided, may be detailed by the commander-in-chief from the commissioned officers of the national guard of the grades above specified, but officers so detailed shall not be relieved thereby from their regular duties except when on duty with the commander-in-chief. Honorably discharged officers or enlisted men who served in the United States army, navy or marine corps during the world war, who are not members of the Maine national guard, may be appointed by the governor as aides-de-camp with a rank of colonel. The aides-de-camp authorized by this chapter shall be appointed by the governor and, except those detailed from the active list, shall be commissioned by him and shall serve only during the term of the governor making the appointment; provided, that the governor may detail additional aides from the officers of the national guard for temporary duty, subject to the provisions of this section.

Calls for Service.

Sec. 9. Active service national guard. R. S. c. 15, sec. 9. 1917, c. 259, sec. 9. 1923, c. 174, sec. 9. 1927, c. 96. In case of insurrection, invasion, tumult, riot, mob, or body of men acting together by force with intent to commit a felony, or to offer violence to persons or property, or by force and violence to break and resist the laws of this state or the United States, or of imminent danger thereof, or in the event of public disaster resulting from flood, conflagration, or tempests, the governor shall have the power to order into the active service of the state any part of the national guard that he may deem proper. And whenever the national guard of this state or a part thereof is called forth

or drafted into federal service under the constitution and laws of the United States, the governor shall, unless the order for the call or draft specifies otherwise, order out for service the national guard or such part thereof as may be required; and if the number available be insufficient he shall order out the unorganized militia or such part as may be necessary. The designation of organizations called or drafted into the service of the United States shall not, during such service, be given to new organizations, and upon completion of such service the members thereof shall assume their original status in the national guard.

In case of a sudden and unexpected tumult, riot, mob, or body of men acting together by force with intent to commit felony or to offer violence to persons or property, or by force and violence to break and resist the laws of the state or the United States, or of imminent danger thereof, a justice of the supreme judicial court, in term time or vacation, or the sheriff of a county may call for aid upon a commanding officer of the national guard or naval militia, and such call shall be in writing. The commanding officer upon whom the call is made shall order out in aid of the civil authorities the military or naval force or any part thereof under his command, and shall make an immediate report of the case to the adjutant general and to his immediate commanding officer. He shall receive only general directions from the civil authority requesting the aid, and shall remain strictly responsible to his military superior for the manner in which the troops shall be used to accomplish the desired end.

In the event of an emergency so imminent as to require immediate action the senior officer of a command may, upon request in writing of the mayor of a city, or the selectmen of a town, order out for the defense or protection of the community the forces under his command, or any part thereof, and immediately report his action and the circumstances of the case to the adjutant general and to his immediate commanding officer.

Sec. 10. Active service unorganized militia. R. S. c. 15, sec. 10. 1917, c. 259, sec. 10. 1923, c. 174, sec. 10. Whenever it shall be necessary to call into active service the unorganized militia, or any part thereof, the governor shall direct his order to the chief municipal officer of any city, town, or plantation, who, upon receipt of the same, shall proceed to draft by lot as many of the unorganized militia or accept as many volunteers as are required by the governor, and shall forthwith forward to the adjutant general a list of the persons so drafted or accepted as volunteers.

Sec. 11. Members failing to appear deemed deserters. R. S. c. 15, sec. 11. 1917, c. 259, sec. 11. 1923, c. 174, sec. 11. Every member of the national guard ordered out, and every member of the unorganized militia who volunteers or who is drafted and notified thereof, under the provisions of the preceding section, who does not appear at the time and place designated by his commanding officer, or the chief municipal officer, within twenty-four hours from such time, or who does not produce from a physician in good standing a sworn certificate of physical disability to so appear, shall be deemed a deserter and dealt with as prescribed in the articles of war of the United States.

Sec. 12. Unorganized militia to be mustered into service. R. S. c. 15, sec. 12. 1917, c. 259, sec. 12. 1923, c. 174, sec. 12. Whenever any portion of the unorganized militia is called forth under the constitution and laws of the United States, or of the state of Maine, the members thereof shall be immediately mustered into the service for such period as the call may prescribe; and whenever any portion of such unorganized militia shall be ordered into the service of the state they shall be mustered into the service for such period as the

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governor may direct. Such unorganized militia when so ordered into active service shall have, as far as practicable, the same system of organization, equipment, training and discipline as are or may thereafter be prescribed for the national guard. The governor shall have the power to appoint the officers for any new organizations formed out of said unorganized militia.

Sec. 13. Governor may proclaim state of insurrection. R. S. c. 15, sec. 13. 1917, c. 259, sec. 13. 1923, c. 174, sec. 13. Whenever any portion of the national guard is employed in aid of the civil authority, the governor, if in his judgment the maintenance of law and order will thereby be promoted, may by proclamation declare the county, city, town, or plantation in which the troops are serving or any specified portion thereof, to be in a state of insurrection.

Sec. 14. Members of militia not civilly or criminally liable. Defense. R. S. c. 15, sec. 16. 1917, c. 259, sec. 16. 1923, c. 174, sec. 14. No member of the militia ordered into the active service of the state shall be liable civilly or criminally for any act done, or caused, ordered, or directed to be done, by him in furtherance of and while in the performance of his military duty. When an action or proceeding of any nature shall be commenced in any court by any person against any officer or enlisted man of the militia for any act so done, or caused, ordered, or directed to be done, all the expenses of the defense of such proceeding or action, civil or criminal, including fees of witnesses for the defense, defendant's court costs, and all costs for transcripts of records and abstract thereof on appeal, shall be paid by the state, out of the military fund; and it shall be the duty of the attorney general, either personally or by one or more assistants, to defend such officer or soldier; provided, that where the action or proceeding is criminal the adjutant general shall designate a judge-advocate of the national guard to conduct the defense of such member, or if the services of a judge-advocate be not available, then he shall select some other competent attorney to conduct such defense, and the judge-advocate or other attorney so selected shall receive and be paid out of the military fund a reasonable compensation for his professional services. In any such action or proceeding the defendant may require the person instituting or prosecuting the same to file security for payment of costs that may be awarded the defendant, which costs if recovered in action, the costs whereof have been paid out of the military fund, shall be paid into the state treasury for the benefit of the military fund; and the defendant may, in every such action or proceeding, make a general denial and give the special matter in evidence.

Adjutant General.

Sec. 15. Adjutant general, rank, powers and duties. Assistant. R. S. c. 15, secs. 17, 18. 1917, c. 259, secs. 17, 18. 1923, c. 174, sec. 15. 1925, c. 90, sec. 1. The adjutant general of the state shall have the rank of brigadier general, and shall be, ex-officio, chief of staff, quartermaster general, and paymaster general of the state. He shall be appointed by the governor and shall hold the office for a term of two years at the pleasure of the governor. For the purpose of establishing the relation between the war department and the various staff departments of the state, he shall be the chief of said departments; and the requisitions, purchases, and issues to be made by the senior officer on duty in certain of said departments, as hereinafter prescribed, shall be made by them pursuant and in obedience to his directions and instructions.

He shall control the military department subordinate only to the governor, and may adopt such methods of administration, not inconsistent with the laws,

regulations, and customs of the service of the regular army, so far as the same may be applicable, as he may deem necessary to render the department efficient.

He shall superintend the preparation of all returns, reports, plans and estimates required of the state by the war department; and, on or before the thirtieth day of June of each year, shall make a report to the governor of the strength and condition of the militia and of the business transactions of the department, including a detailed statement of expenditure for all military purposes.

He shall be responsible for the care, preservation, and repair of all military property belonging or issued to the state for the arming and equipping of the militia; and he shall dispose of all military property of the state found unserviceable after a proper inspection, account for the proceeds, and deposit the same into the state treasury, to the credit of the military fund.

He shall cause to be turned in, in such manner as the war department may require, such ordnance, accoutrements and equipments belonging to the United States and receive in substitution therefor such prescribed regulation ordnance and equipment, as may be necessary to conform to the standard required by the laws and regulations of the United States.

He shall, under the direction of the governor, prepare requisitions for, and make purchases and issues of, such military property as is necessary to equip the organizations of the national guard according to the standard that is now or may be hereafter prescribed by the laws and regulations of the United States, except such purchases and issues as are hereinafter required to be made by the United States property and disbursing officer or senior officers on duty in the other staff departments; he shall approve the bills of all purchases by whomsoever made and all issues; but no such property shall be issued, or otherwise disposed of, to persons or organizations other than those of the national guard, and portions of the unorganized militia called into active service.

He shall keep a just and true account of all expenses necessarily incurred, including pay, transportation, and subsistence of officers and enlisted men of the national guard and of all military property; and shall render annually to the governor a statement in detail showing the disposition of all clothing, ordnance, arms, ammunition, and other military property on hand and issued.

He may sell for cash to officers of the national guard, for their official use, and to organizations of the national guard, any military or naval property which is the property of the state; and he shall, with his annual report, render to the governor a true account of the sales so made, and shall deposit the proceeds of the same in the state treasury to the credit of the military fund.

The adjutant general may appoint, subject to the approval of the governor, an officer from the active, retired, or reserve list of the national guard as assistant adjutant general, who shall, whenever the adjutant general is absent or unable from any cause to perform his duties, perform the duties of the adjutant general during such absence or disability.

The adjutant general shall give a bond to the state, approved by the governor and council, in the sum of ten thousand dollars, conditioned on the faithful performance of his duties as herein prescribed, and the costs and expenses incurred by entering into such bond shall be paid out of the military fund.

Sec. 16. Property and disbursing officer. 1917, c. 259, secs. 19, 20, 21. 1923, c. 174, sec. 16. The governor shall designate, subject to the approval of the secretary of war, an officer of the national guard who shall be regarded as property and disbursing officer for the United States. The property and disbursing officer shall give a bond to the United States, the amount thereof to

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be determined by the secretary of war, for the faithful performance of his duties and for the safe keeping and proper disposition of federal property and funds entrusted to his care, and the costs and expenses incurred by entering into such bond shall be paid out of the military fund.

Other Staff Departments.

Sec. 17. Inspector general. R. S. c. 15, sec. 19. 1917, c. 259, sec. 22. 1921, c. 217, sec. 2. 1923, c. 174, sec. 17. The senior officer on duty in the inspector general's department, whenever ordered by the governor, shall make an inspection and a detailed report upon the armories, property, books, records, financial condition, and general efficiency of the organizations of the national guard, and shall perform such other duties as the adjutant general may direct or the law require, and he shall submit to the adjutant general a report of the transactions of his office by the fifteenth of June annually.

Sec. 18. Ordnance officer. R. S. c. 15, sec. 20. 1917, c. 259, sec. 23. 1923, c. 174, sec. 18. The senior officer on duty in the ordnance department shall, from time to time, submit to the adjutant general requisitions for ordnance property, equipment, accoutrements, and range and target material; which requisitions, when approved by the adjutant general and submitted to and signed by the United States property and disbursing officer, shall, if they be for material issued to the state by the ordnance department, be forwarded to that department for supply, and if they be for material not so issued, then by direction of the adjutant general and in the manner prescribed in section twenty-six, the senior ordnance officer shall purchase and direct the issue of such ordnance property and range material, certify all bills therefor as correct, and transmit them to the adjutant general.

He shall, when required or whenever he deems it necessary, report to the adjutant general upon the condition of the ordnance, arms, and accoutrements on hand or issued to the national guard; he shall point out all deficiencies and, so far as he is vested with authority, he shall be responsible that all organizations are armed and equipped as prescribed, or as may hereafter be prescribed, by the war department.

He shall be the inspector of and shall exercise general supervision over the small-arms practice of the national guard. Whenever ordered by the governor it shall be his duty to make an inspection of all target ranges and shooting galleries used by the national guard, to submit a report to the adjutant general of the condition and necessities of each; and to make a detailed report of the transactions of his office to the adjutant general on the fifteenth day of June annually.

Sec. 19. Senior officer, medical department. R. S. c. 15, sec. 21. 1917, c. 259, sec. 24. 1923, c. 174, sec. 19. The senior officer on duty in the medical department shall perform such duties as are prescribed by law and the national guard regulations, and he shall make to the adjutant general a detailed report of the transactions of his office and the condition and quantity of medical supplies on hand, on the fifteenth day of June annually.

Sec. 20. Senior officer, quartermaster corps. R. S. c. 15, sec. 22. 1917, c. 259, sec. 25. 1923, c. 174, sec. 20. The senior officer of the quartermaster corps may, when deemed advisable by the adjutant general, be the military storekeeper and, under the direction of the adjutant general, he shall purchase and issue in the manner prescribed in section twenty-six, such subsistence stores and property as are not issued by the United States, certify all bills therefor

as correct and transmit them to the adjutant general. He shall make a detailed report of the transactions of his office to the adjutant general on the fifteenth day of June annually.

Sec. 21. Judge-advocate. R. S. c. 15, sec. 23. 1917, c. 259, sec. 26. 1923, c. 174, sec. 21. The judge-advocate shall be an attorney-at-law of the supreme judicial court of this state, of at least five years' standing. He shall be, under the direction of the governor, charged with the supervision of all things relating to the administration of justice in the military forces of the state; he shall diligently scrutinize and examine the proceedings of all courts-martial and courts of inquiry which are submitted to him for review and report thereon to the adjutant general; he shall when directed act as judge-advocate or recorder of any military court or board; he shall be the legal adviser of the military department, and to him may be referred for supervision all contracts, agreements, or other instruments, to be drawn or executed in the course of the business thereof. He shall make a detailed report of the transactions of his office to the adjutant general on the fifteenth day of June annually.

Sec. 22. Attorney general. R. S. c. 15, sec. 24. 1917, c. 259, sec. 27. 1923, c. 174, sec. 22. The attorney general of the state shall be legal adviser of the adjutant general, and of the armory commission.

Sec. 23. Power of governor to appoint staff officers. R. S. c. 15, sec. 25. 1917, c. 259, sec. 28. 1923, c. 174, sec. 23. In time of war, insurrection, invasion or rebellion, or of imminent danger thereof, the governor may appoint such staff officers and create such chiefs of staff departments as may be necessary to provide for an increased national guard or to fill the vacancies caused by absence in active service, or for both purposes; provided, that appointments in a staff department or corps shall be made from officers of the existing staff departments or corps as promotions so far as such officers are available; provided also, that promotion in each staff department or corps and appointments to fill vacancies thus created shall be made as hereinafter prescribed. Provided further, that in time of peace, whenever the formations of the national guard shall require it, the governor may organize such additional departments as are thereby made necessary, and whenever such new departments are organized the senior officer on duty with the new staff department shall be ex-officio a member of the governor's staff.

Sec. 24. Duties of staff officers. R. S. c. 15, sec. 26. 1917, c. 259, sec. 29. 1923, c. 174, sec. 24. Officers of all staff departments and corps shall perform the duties required of them by law, and such others, not inconsistent with the laws of the state, as correspond to those which are now or may hereafter be required, of the corresponding staff departments or corps of the regular army by the customs of the service, the orders of the war department, and the laws and regulations of the United States.

Sec. 25. Qualifications of staff officers. 1917, c. 15, sec. 30. 1923, c. 174, sec. 25. Staff officers of the national guard, except in the lowest grade of the medical department, shall, when appointed, have had previous military experience and shall hold their positions until they reach the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, or by an efficiency board of three commissioned officers, senior in rank to the officer whose fitness for service shall be under investigation, and all vacancies among said officers shall be filled by appointment from the officers of the national guard, or honorably discharged officers or enlisted men who served in the United States army, navy, or marine corps during the world war.

Purchase of Military Property.

Sec. 26. Purchase of military property; Procedure. R. S. c. 15, sec. 27. 1917, c. 259, sec. 31. 1923, c. 174, sec. 26. Purchase of military property not exceeding one hundred dollars in value may be made in such manner as the purchasing officer may deem best. For other purchases not exceeding five hundred dollars, the purchasing officer shall procure written proposals from at least two parties. For purchases exceeding five hundred dollars in value the purchasing officer shall publicly advertise, for not less than ten days, for sealed proposals, to be opened at the place, day and hour designated in such advertisement. All bids must be accompanied with a certified check for ten per centum of the amount of the bid; and he may require the person contracting to give bond in such sum and surety as he may direct, conditioned for faithful performance, in default of which, such bond shall be prosecuted by the attorney general, and all moneys recovered turned into the state treasury for the benefit of the military fund; provided, that in case of emergency occasioned by war, invasion, riot, insurrection, resistance to the law, or imminent danger thereof, or by flood, conflagration, or tempest, the governor may direct that such property as may be urgently required be purchased in open market; provided, also, that the right is reserved to reject any or all bids.

Sec. 27. Officer not to be personally interested. R. S. c. 15, sec. 28. 1917, c. 259, sec. 32. 1923, c. 174, sec. 27. No officer herein authorized to make purchases or sales of military property shall be concerned, directly or indirectly, in the purchase or sale of any such property, except for and on account of the state; nor shall any such officer take or apply to his own use any gain or emolument for negotiating or transacting any business of his office, other than what is allowed by law.

Sec. 28. Property purchased to be inspected. R. S. c. 15, sec. 29. 1917, c. 259, sec. 33. 1923, c. 174, sec. 28. All property purchased under the authority herein granted shall be inspected by an officer designated for that purpose by the adjutant general, and no payment shall be made therefor until it shall appear by the certificate of the inspecting officer that the property is of the kind and quality specified in the contract of purchase.

Sec. 29. Penalty for contracting indebtedness on behalf of state without authorization. R. S. c. 15, sec. 30. 1917, c. 259, sec. 34. 1923, c. 174, sec. 29. No officer or enlisted man shall contract or presume to authorize the contracting of, any indebtedness on behalf of the state, unless especially authorized to do so by this chapter or by the express order of the adjutant general; and any person in the military service who shall violate the provisions of this section shall be dishonorably discharged and suffer such other punishment as a court-martial may direct.

Organization of National Guard.

Sec. 30. Organization and regulations of national guard. R. S. c. 15, sec. 31. 1917, c. 259, sec. 35. 1923, c. 174, sec. 30. The organization of the national guard of Maine including enlistments, appointments, promotions, transfers, discharges, equipment, uniforms, reductions and warrants of non-commissioned officers, instruction and training, armament, discipline, and elimination and disposition of officers, shall be the same as that which is now or may hereafter be prescribed or provided by the laws and regulations of the United States for the national guard; and the commander-in-chief is hereby authorized, and it shall be his duty, to issue and prescribe from time to time such orders and

regulations, and to adopt such other means of administration as shall maintain the prescribed standard of organization, armament, and discipline; and it shall be the further duty of the commander-in-chief to prescribe such regulations and to adopt such methods of administration for the care, preservation, disposition of, and accountability for all military property issued to the national guard and belonging to the United States; for procuring, disbursing, and accounting for all military funds allotted to the state; for arming, equipping and supplying the national guard; and for arranging for such camps of instruction, field service, and rifle practice as shall meet the requirements that are now or may hereafter be prescribed by the laws and regulations of the United States. And such orders, regulations, and means adopted shall have the full force and effect of law.

Sec. 31. New organizations. R. S. c. 15, sec. 32. 1917, c. 259, sec. 37. 1921, c. 217, sec. 3. 1923, c. 174, sec. 31. When authorized by the war department, new organizations may be raised on petition to the governor, or by his order; and when the minimum number of persons required by law has been enlisted and notice thereof given to the governor, he shall order an inspection to be made by an officer of the national guard, and if it is found that the conditions contemplated by law for federal recognition can be met by the new organization, the governor shall appoint commissioned officers therefor and request an inspection to be made by an officer of the regular army with a view to federal recognition.

Sec. 32. Civilian cooks. 1917, c. 259, sec. 44. 1923, c. 174, sec. 32. The commander-in-chief may authorize the employment of cooks, to the number fixed in this chapter, in organizations in which there are vacancies in enlisted cooks when such organizations are on duty under his orders or are called upon in aid of the civil authorities. The commander-in-chief may authorize the employment and prescribe the number of cooks for all headquarters and organizations for which the enlistment of cooks is not authorized by this chapter. Cooks during such employment shall be subject to the laws and regulations for the government of the national guard and shall receive the same pay as enlisted cooks.

Naval Militia.

Sec. 33. Naval militia; composition. R. S. c. 15, sec. 42. 1917, c. 259, sec. 45. 1923, c. 174, sec. 33. Such persons as may be enlisted or as may be appointed or commissioned therein shall constitute the naval militia of the State of Maine.

Sec. 34. Organization and administration. R. S. c. 15, sec. 43. 1917, c. 259, sec. 46. 1923, c. 174, sec. 34. The commander-in-chief may organize the forces prescribed in the preceding section as he may deem proper; and when in his judgment the efficiency of the naval militia will be increased thereby, or whenever public interest may demand it, he may alter, reorganize, or disband any or all of the organizations therein; and he shall have power at any time to change the organization of the naval militia so as to conform to any organization, or system of drill or instruction which may be adopted for the navy of the United States, and to increase and decrease for that purpose the number of officers, warrant officers, chief petty officers, petty officers, and enlisted men and to change their grades, titles, and designations.

The system of administration, drill and instruction of the naval militia shall conform, as nearly as practicable, to that of the navy of the United States; and the discipline and government thereof when not otherwise prescribed shall

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be according to the laws and regulations now or hereafter governing the national guard. No part of the naval militia shall be attached to any organization of the national guard except when especially ordered by the governor, in which case the senior officer present shall command the whole, unless the commander-in-chief shall direct otherwise.

Sec. 35. Pay. R. S. c. 15, sec. 45. 1917, c. 259, sec. 47. 1923, c. 174, sec. 35. The pay of officers and petty officers of the naval militia shall be the same as that of officers and non-commissioned officers of the same relative rank in the national guard; and seamen shall receive the pay of privates of infantry. The commanding officer of a battalion shall be allowed a sum not exceeding fifty dollars per annum for the care and responsibility of state and United States property for which he may be accountable; each division commander shall be allowed a sum not exceeding fifty dollars per annum for the care and responsibility of public property for which he is accountable; the executive officer of a battalion, each division clerk, and the third class yeoman of each division shall receive for their services a sum not exceeding twenty-five dollars per annum.

Sec. 36. Authority, privileges and qualifications of officers. R. S. c. 15, sec. 46. 1917, c. 259, sec. 48. 1923, c. 174, sec. 36. Commissioned officers of the naval militia shall have the same authority, rights, privileges, and qualifications, grade for grade, as commissioned officers in the national guard, and, if not otherwise prescribed, shall be appointed in the same manner; but the board of examination, in the case of the appointment of an officer of the naval militia, shall consist of at least one commissioned officer of the naval militia, active or

Commissioned Officers.

Sec. 37. Appointments, commissions, vacancies, examinations, oaths. R. S. c. 15, secs. 47-59. 1917, c. 259, secs. 49-59. 1919, c. 257. 1921, c. 217, secs. 4-7. 1923, c. 174, sec. 37. Subject to the regulations prescribed by the war department all officers shall be appointed and commissioned by the governor. Except as hereinafter provided all vacancies shall be filled as follows: Vacancies in the grade of colonel or lieutenant-colonel of a regiment or corps shall be filled by promoting the senior officer of the regiment or corps of the next lower grade; vacancies in the grade of major in a regiment, corps, or separate battalion shall be filled by promoting the senior officer of the next lower grade in the organization in which the vacancy occurs; vacancies in the grade of captain or lieutenant shall be filled by promoting the senior officer of the next lower grade in the organization in which the vacancy occurs; when it appears to the governor to be for the best interest of the service that vacancies be otherwise filled, such vacancies, if they be within a regiment, corps, or other separate organization, shall be filled by the governor upon the recommendation of the commanding officer of such organization, or upon the recommendation of the adjutant general. Vacancies in the grade of second lieutenant shall be filled in the following manner: All enlisted men of any company and any non-commissioned staff officer shall, if physically sound, be eligible for appointment and shall be permitted to appear before an examining board for a physical and competitive practical and theoretical examination. The enlisted man whom the board considers, after the competitive examination, to be best qualified shall be appointed to fill the vacancy. The governor shall prescribe the scope and manner of conducting such examination, and if no enlisted man appears or if none satisfactorily passes said examination, then the governor upon the recom-

mentation of the commanding officer of the regiment, corps, or other separate battalion shall fill the vacancy by making an appointment of any person eligible under the law to hold a commission in the national guard. Every officer duly commissioned shall within ten days accept the same and take the constitutional oath of office; such oath may be taken and subscribed before any officer authorized by law to administer an oath; and in case of neglect or refusal to accept the commission or to take and subscribe the oath within the time mentioned, such commission shall be cancelled by the governor and a new appointment made to fill the vacancy.

Sec. 38. Discharge and Retirement of officers. R. S. c. 15, secs. 60-65. 1917, c. 259, secs. 60-62. 1923, c. 174, sec. 38. 1925, c. 90, sec. 2. Any officer who accepts an appointment in the army, navy or marine corps of the United States, or who tenders his resignation and the same having been accepted, shall receive an honorable discharge, provided he shall not be under arrest or returned to a military court for any deficiency or delinquency and provided he shall not be indebted to the state in any manner and provided all of his accounts for money and public property shall be correct.

Any officer who shall reach the age of sixty-four years shall be retired.

Any officer who is found incapacitated for service by reason of physical disability shall be withdrawn from active service and placed on the retired list.

Any person who has served as a commissioned officer in the Maine national guard for a period of not less than nine years may, upon personal request, be placed upon the retired list. When placed upon the retired list an officer shall be given the highest rank held by him during his term of service, provided, that if at the time of his retirement he shall have served as a commissioned officer in the Maine national guard for a continuous period of fifteen years or more he may be retired with a rank one grade higher than the highest rank held by him during his service, except that in no case shall a rank higher than that of brigadier general be granted an officer under these provisions, upon retirement. Retired officers shall be entitled to wear the uniform of the rank with which they were retired. Except as provided above no commissioned officer in the national guard or naval militia shall be removed from office without his consent, except by sentence of a general court-martial or by an efficiency board, in a manner prescribed by law.

Enlisted Men.

Sec. 39. Certificate of merit. R. S. c. 15, sec. 73. 1917, c. 259, sec. 77. 1923, c. 174, sec. 39. Hereafter when any enlisted man of the national guard shall have distinguished himself in the service for gallantry or for long and meritorious service in the national guard or naval militia for a continuous period of fifteen years or for a period of twenty years not necessarily continuous, the governor may, upon the recommendation of the commanding officer of the regiment or of the senior officer of the organization to which such enlisted man belongs, grant him a certificate of merit; and a holder of such certificate shall be borne on the military register of the state for the remainder of his life; provided that meritorious service hereafter in time of actual war, insurrection or rebellion, shall count double toward procuring such certificate.

Sec. 40. United States army regulations to govern. R. S. c. 15, sec. 74. 1917, c. 259, sec. 78. 1923, c. 174, sec. 40. Matters of military courtesy and discipline; precedence of regiments and corps; details and working parties; special duty; official designation and duties of officers; records; flags, colors

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and standards; instruction and administration of regiments, battalions and companies; interior economy of companies; rosters, detachments and daily service; honors, courtesies and ceremonies; guards; practical and theoretical instruction; care, accountability and responsibility for public property; surveys of property; staff administration and general duties of the staff corps; military correspondence; orders; muster rolls; return of troops and battle reports; arrest and confinement; and field service shall, in general and so far as practicable and consistent with this chapter, be as now or hereafter prescribed in the regulations for the armies of the United States.

Sec. 41. Special inspection. R. S. c. 15, sec. 75. 1917, c. 259, sec. 79. 1923, c. 174, sec. 41. The commander-in-chief may in his discretion at such times and under such regulations as he may prescribe order each colonel commanding a regiment or corps, or, in case of his disability or when designated by him, the lieutenant colonel, and each officer commanding a battalion, to parade, inspect, and report upon the general military efficiency of the several companies under his command at least once each year; and the commander-in-chief may, whenever he deems it necessary, order an inspection by a medical officer of the officers and men, armories, clothes, and equipment of the national guard or naval militia.

Sec. 42. Certain places may be closed when national guard on duty. R. S. c. 15, sec. 79. 1917, c. 259, sec. 83. 1923, c. 174, sec. 42. Whenever any part of the national guard is on active duty, pursuant to the order of the governor or call of civil authority, to aid in the enforcement of the laws, the commanding officer of such troops may order the closing of any place where intoxicating liquors, arms, ammunition, dynamite, or other explosives are sold, and forbid the selling, bartering, lending, or giving away any of said articles so long as any of the troops remain on duty in such places or in the vicinity thereof, whether any civil officer has forbidden the same or not.

Sec. 43. Notices for duty. R. S. c. 15, sec. 80. 1917, c. 259, sec. 84. 1923, c. 174, sec. 43. Notices for duty at encampments, maneuvers and field instruction shall be given at least ten days prior thereto, and for other duty at such time as the officer issuing the order shall prescribe. Such notices shall be given orally or by written or printed notice in hand, sent by mail or left at the last and usual place of abode, provided that the posting of the copy of an order in a conspicuous place in the drill or business room of the company, at a regular meeting held not less than four days before the time fixed in such order for the performance of any duty, shall be sufficient notice to all members of the company present at such meeting; and provided that when the days upon which the stated drills provided by law, orders or regulations are to be held have been fixed, no further notice thereof shall be required to the members of the company.

Sec. 44. Prizes for efficiency and marksmanship. R. S. c. 15, sec. 81. 1917, c. 259, sec. 85. 1923, c. 174, sec. 44. To encourage general military efficiency among organizations in the national guard, the adjutant general is authorized to offer annually a suitable reward. He may also provide suitable rewards for proficiency in small arms practice and practice with light and heavy guns. All such rewards shall be competed for under such regulations as may be approved by the adjutant general. Members of any staff, corps, or detachments assigned or attached for duty with any command shall be considered a part of such command for the purpose of the competitions herein authorized.

Sec. 45. Medal for honorable service. R. S. c. 15, sec. 82. 1917, c. 259, sec. 86. 1923, c. 174, sec. 45. Every officer and enlisted man who has rendered honorable service for nine years in the national guard of the state shall receive

a service medal therefor and an additional bar or clasp for each additional three years' service.

Sec. 46. Medal for perfect attendance. R. S. c. 15, sec. 83. 1917, c. 259, sec. 87. 1923, c. 174, sec. 46. Every officer or enlisted man in the national guard who has a perfect record of attendance at every military duty for one year shall receive a suitable medal therefor, and a bar or clasp for each additional year of perfect attendance, either continuous or otherwise.

Compensation.

Sec. 47. Pay and allowance. R. S. c. 15, sec. 85. 1917, c. 259, sec. 88. 1921, c. 217, sec. 10. 1923, c. 174, sec. 47. Each officer and enlisted man ordered by the commander-in-chief or under his authority for duty at encampments, maneuvers, field exercises, small arms competitions, or other special duties or when called forth in aid of the civil authorities, shall receive for every day actually on duty, the same pay as officers and enlisted men of the same grade and classification in the regular army, provided, that warrant officers shall be paid five dollars a day and enlisted men of grade I as now or hereafter established for the regular army shall be paid not less than two dollars and fifty cents per day; grade II, two dollars and twenty-five cents; grade III, two dollars; grade IV, one dollar and ninety cents; grade V, one dollar and seventy-five cents; grade VI, one dollar and sixty cents; grade VII, one dollar and fifty cents, and provided further that all band musicians shall be paid not less than four dollars per day and all specialists shall be paid the same additional compensation as is allowed the corresponding classes of specialists in the regular army; there shall be allowed the necessary transportation and subsistence, but no pay or compensation shall be allowed except as otherwise provided by law when ordered for inspection, muster, small arms practice, drill, parade, review, field service, or practice marches unless expressly authorized in the order for such duties.

When the national guard, or any portion thereof, shall be called forth in aid of the civil authorities, or assembled in obedience to such calls, as provided for in section nine, all officers and men thereof shall receive the pay set forth in this section; and such compensation and the necessary expenses incurred in quartering, caring for, transporting, and subsisting the troops as well as the expense incurred for pay, care, and subsistence of officers and enlisted men temporarily disabled in the line of duty, while on such duty, shall be paid by the county where such service is rendered. The treasurer of such county shall, upon presentation to him of vouchers and pay rolls of such expenses and compensation, certified by the commanding officer of the organization or corps on duty in aid of the civil authority, in such county or counties, and approved by the adjutant general, forthwith execute in behalf of and in the name of such county a certificate or certificates of indebtedness for the money required to pay such vouchers and pay rolls; such certificates shall bear interest at the rate of not to exceed six per centum per annum, and shall be made payable on the first day of January following the expiration of two months from their issue, and the amount thereof shall be raised in the next tax budget of said county succeeding their issue, and applied to the payment of such certificates. Said county treasurer shall sell such certificates at public or private sale, and apply the proceeds thereof to the payment of such expenses and compensation. Any county treasurer or public officer, who shall neglect or refuse to perform any of the duties required by this section, shall be personally charged with the costs

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and all necessary disbursements of any action or proceeding brought to compel such performance, together with a reasonable additional allowance to the plaintiff or relator in such action or proceeding to be fixed.

Sec. 48. Special allowances. R. S. c. 15, sec. 86. 1917, c. 259, sec. 89. 1923, c. 174, sec. 48. In addition to all other pay and allowances herein provided there shall be allowed each company commander or other officer who in the opinion of the adjutant general is entitled to remuneration for care and responsibility of military property and satisfactory performance of military duties, not exceeding fifty dollars per annum; each company clerk, and each company supply sergeant, not exceeding twenty-five dollars per annum, when certified by the company commander.

To all officers ordered to make inspection or other journeys necessary in the military service, there shall be allowed all actual and necessary expenses incident to the performance of said service, including such incidental expenditures as are allowed by law and regulations to officers of the regular army when inspecting the organized militia.

Whenever deemed necessary, the adjutant general may authorize the commutation of rations for enlisted men, which shall be at the rate fixed by the regulations of the United States army in force at the time.

The adjutant general whenever necessary, and in such manner as he may deem best, shall provide suitable mounts for all officers and enlisted men required to perform mounted duty. He shall also approve all other just and reasonable claims, payments, and expenditures, legally made in behalf of the military service of the state.

Military Accounts.

Sec. 49. Approval and payment of military accounts. R. S. c. 15, sec. 87. 1917, c. 259, sec. 90. 1923, c. 174, sec. 49. All military accounts, unless otherwise specially provided by law, shall be approved by the person authorized to contract the same and transmitted to the adjutant general for his examination and approval. They shall then be presented to the state auditor, and if found correct shall be certified to the governor and council for payment, and a warrant shall be drawn for the amount thereof on the state treasurer in favor of the person to whom the account is due, and the same shall be delivered to the paymaster general for delivery by him; provided, that no payment whatever shall be made or allowed except for duty actually performed or services actually rendered; and provided, that no payment of any sum authorized by this chapter shall be made to any person until there shall have been first deducted therefrom all amounts due by him to the state on any military account whatsoever; and provided further that whenever the governor shall deem it necessary he may draw his warrant on the state treasurer in favor of the paymaster general for such sums from the military fund or the appropriation for the support of the naval militia as may be required to meet immediate payments for current expenditures, such funds to be accounted for separately on a monthly account current to be filed with the state auditor and any unused balance to be carried into the state treasury whenever directed by the governor.

Sec. 50. The military fund. R. S. c. 15, sec. 88. 1917, c. 259, sec. 91. 1921, c. 141. 1923, c. 174, sec. 50. For the current expenses of the national guard and naval militia there shall be appropriated biennially such sums as may be necessary for the proper administration of the military law. The appropriation thus provided shall constitute a continuous military fund, from which

special fund only, except where herein otherwise specified, shall be paid the expenses authorized by this act; and so much thereof as may be necessary is hereby appropriated to carry out the provisions of this section, to be paid upon vouchers approved as provided in section forty-nine.

Compensation for Disability.

Sec. 51. Compensation to members disabled in active service. R. S. c. 15, sec. 89. 1917, c. 259, sec. 92. 1923, c. 174, sec. 51. Any member of the national guard or naval militia who shall, when on duty or assembled therefor, in case of riot, tumult, breach of the peace, insurrection, or invasion, or whenever called into active service of the state by order of the governor, or called in aid of the civil authorities, or when participating by order of the governor in any encampment, maneuvers, or field instruction of any part of the regular army at or near any military post or camp or lake or sea coast defenses of the United States, or when participating by order of the governor in practice marches or camps of instruction, or when assembled for any regular or special drill or other duty under the command of a superior officer, receive any injury, or incur or contract any disability or disease by reason of such duty or assembly, or who shall without wilful negligence on his part receive any wound, injury, or disease incident thereto while performing any lawfully ordered duty which shall incapacitate him from his usual business or occupation, shall receive compensation according to the provisions of chapter two hundred and thirty-eight of the public laws for nineteen hundred and nineteen, and any amendments thereto, as an employee of the State of Maine, and the average weekly wage in such cases shall be taken to be the earning capacity of the injured in the occupation in which he is regularly engaged, and in case of death his dependents, if any, shall be entitled to compensation as provided in said act.

Armories, Drill Rooms, Ranges, etc.

Sec. 52. Drill rooms, offices, armory, stables, etc. Duty of municipal officers to provide use of same; erection of armories. R. S. c. 15, secs. 90-92. 1917, c. 259, secs. 93-95, 98. 1923, c. 174, sec. 52. 1925, c. 90, sec. 3. It shall be the duty of the municipal officers to provide and maintain for each platoon or company, battery, band, or detachment of the national guard or naval militia located within the limits of their respective towns, suitable drill rooms, offices, armory, stables, or place of deposit of all military property, and for the headquarters of each separate battalion, corps, regiment, or brigade established within such municipal limits, suitable headquarters offices; and the suitability for the necessary military purposes of such drill rooms, armories, headquarters offices, or stables shall be determined by the armory commission. A reasonable compensation shall be fixed by the armory commission, after hearing and consulting with the responsible municipal officers, for each company, other organization, band, or separate headquarters or stables, and shall be allowed as rent for such building or buildings to the municipality providing and maintaining them, and paid by the state out of the appropriation for armory rental. To carry out the provisions of this section there shall be appropriated biennially such sums as are deemed necessary, said sums to be known as the armory fund, payment to be made therefrom by the treasurer of the state upon vouchers manifested by the armory commission to the state auditor, said armories, drill rooms, offices, headquarters offices, or stables shall be subject always to the provisions of law and to the regulations prescribed by the proper authorities,

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and said armories, drill rooms, offices, headquarters offices, or stables shall be held for the exclusive use of the national guard unless otherwise authorized by the general regulations for the government of armories prescribed by the armory commission, or by special authority of the chairman of said commission after application in special cases by the municipal authorities in writing. Should any municipal officer use such buildings or stables without authority, or abuse the authority or privilege so granted, they and each of them shall in each case, be guilty of a misdemeanor and shall be punished as prescribed in this section. The governor is authorized to accept in the name of the state donations of lands and buildings to be used for military purposes by the national guard or naval militia under such conditions as the donors may nominate; lands and buildings so donated shall be subject to the rules and regulations prescribed by the governor; and provided further that when any building is turned over to the state for use as an armory or drill shed the armory commission shall be authorized to approve for payment from the appropriation for armory rentals such sums as may be necessary for the upkeep of such building, including repairs, furnishings, light, heat, water, and janitor service.

Whenever the military fund shall be sufficient to warrant such expenditure, the armory commission may, with the approval and by direction of the governor, erect upon lands donated to the state for the purpose either by municipalities, corporations or individuals, armories, drill rooms, headquarters offices, stables, or other buildings for military purposes.

It shall be the duty of municipal officers to provide for organizations of the national guard located within the limits of their respective towns a suitable target range, except where such range shall be provided out of the funds appropriated by the congress of the United States and apportioned to the state for that purpose; and it shall be the duty of such municipal officers to maintain and keep in good repair such target range for the use of the company or companies located within the limits of their municipality, irrespective of the method in which such range may have been obtained. The suitability of such target range for the necessary military purposes shall be as determined by the senior officer in the ordnance department of the national guard and approved by the adjutant general. All ranges shall be open for the use of members of the national guard at any time, including Sundays, subject to the approval of the adjutant general.

Any municipal officer who fails, refuses, or neglects to take effective measures for providing and maintaining such suitable drill rooms, offices, armories, headquarters, or stables as prescribed in this section, and any municipal officer who fails, refuses, or neglects to take effective measures for providing and maintaining a suitable target range as prescribed in this section shall be guilty of a misdemeanor, prosecuted by complaint or indictment before a court of competent jurisdiction, and upon conviction shall be fined not less than one hundred dollars nor more than four hundred dollars, or imprisoned for not less than three months nor more than six months, or shall suffer both such fine and imprisonment, which fine shall be paid into the state treasury and credited to the military fund.

Sec. 53. Municipalities, power to build or acquire and raise money by taxation. R. S. c. 15, sec. 93. 1917, c. 259, sec. 96. 1923, c. 174, sec. 53. All municipalities in this state are hereby given power and authority to build or acquire by purchase, lease, gift, or otherwise, suitable armories, drill rooms, stables, headquarters offices, and the land necessary therefor and for target ranges for such organizations of the national guard and naval militia as may

be stationed or located therein, and to provide for the maintenance and repair of the same; and all municipalities are hereby authorized, and it shall be the duty of the officers thereof, to raise money by taxation or otherwise for the purpose of providing suitable armories, drill rooms, stables, headquarters offices, and target ranges for such organizations of the national guard and naval militia as may be stationed and located therein, in such manner as is by law provided for the erection and maintenance of all municipal public buildings and improvements.

Sec. 54. Exemption from taxation. R. S. c. 15, sec. 94. 1917, c. 259, sec. 97. 1923, c. 174, sec. 54. All armories, drill rooms, offices, stables, headquarters offices, and target ranges, owned by the state or by any municipality, or by any organization of the national guard, and such portion of buildings and lands leased by the state or by any municipality, or by an officer or organization of the national guard, to be used as an armory, drill room, stable, headquarters office, target range, or for other military purposes, shall be exempt from taxation for all purposes during the period of such ownership or lease and use.

Sec. 55. Armory commission. R. S. c. 15, sec. 95. 1917, c. 259, sec. 99. 1923, c. 174, sec. 55. The adjutant general, together with two officers of the line of the national guard of or above the grade of captain, and two civilians appointed by the governor for a term of four years unless sooner relieved by proper authority and eligible to reappointment for a like period, shall constitute an armory commission of which the adjutant general shall be the chairman, whose duty it shall be to exercise general supervision and control over all armories, drill rooms, headquarters offices, and stables, to consult and co-operate with the municipal authorities and to devise effective means of obtaining and maintaining such armories, and to fix, subject to the approval of the governor, the compensation to be allowed to the municipalities as rent for them; they shall have the power, after consulting and hearing the responsible municipal officers, to determine the administrative question of military suitability and adequate maintenance of all armories, drill rooms, offices, headquarters offices, and stables, and it shall be their duty to notify the responsible municipal officers of all deficiencies in these respects, and should such officers fail, refuse, or neglect to take effective measures for providing such suitable buildings and their maintenance, the chairman of the commission shall initiate the prosecution prescribed by section fifty-two. The armory commission is authorized where towns or municipalities have been relieved from compliance with the provisions of this act to provide armories, target ranges, or stables by reason of any agreement or agreements entered into between such towns or cities and the State of Maine, to hire or lease suitable buildings for drill halls, quarters, headquarters offices, or stables as may be necessary to adequately house the national guard. For each day actually employed in the transaction of the business of the armory commission the members other than the adjutant general shall receive as compensation the sum of five dollars and all members shall be reimbursed for actual traveling expenses, such accounts to be paid from the military fund.

Courts-Martial.

Sec. 56. Courts-martial; classification and jurisdiction. 1917, c. 259, sec. 102. 1923, c. 174, sec. 56. Courts-martial in the national guard shall be of three kinds, namely, general courts-martial, special courts-martial, and summary courts-martial. They shall be constituted, and have cognizance of the same

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subjects and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations governing the army of the United States, and the proceedings of courts-martial of the national guard shall follow the forms and modes of procedure as now or shall be hereafter prescribed for similar courts.

Sec. 57. Rules of evidence; right of accused to testify. R. S. c. 15, sec. 99. 1917, c. 259, sec. 103. 1923, c. 174, sec. 57. The rules of evidence in all courts-martial shall follow in general, so far as applicable, the common law rules of evidence as observed by the courts of this state in criminal cases, but a certain latitude in the introduction of evidence and the examination of witnesses by an avoidance of restrictive rules is permissible when it is in the interest of the administration of military justice. The accused shall at his own request, but not otherwise, be a competent witness; and his failure to make such request shall not create any presumption against him.

Sec. 58. Process; rights of accused. R. S. c. 15, sec. 100. 1917, c. 259, sec. 104. 1923, c. 174, sec. 58. Presidents of courts-martial and summary court officers shall have power to issue, in the name of the state, warrants directing any sheriff or constable to arrest accused persons and bring them before the court for trial, and the accused shall have the right to demand the nature and cause of the accusation against him, and to be presented with a copy of the charges. He shall have the right of being heard by himself or counsel, or both; and shall have compulsory process for obtaining witnesses in his favor.

Sec. 59. Summoning of witnesses; attendance of witnesses. R. S. c. 15, secs. 101, 102. 1917, c. 259, sec. 105. 1923, c. 174, sec. 59. Presidents of courts-martial and any summary court officer shall have power to summon the necessary witnesses for the trial of cases and for that purpose shall have power to issue, in the name of the state, all necessary subpoenas and subpoenas duces tecum. They shall have power to issue the like processes to compel witnesses to appear and testify which courts of criminal jurisdiction within this state may lawfully issue. Such writs and processes may be directed to any sheriff or constable whose duty it shall be to serve or execute such writ and process when issued by the civil courts of criminal jurisdiction in this state.

The attendance of witnesses in the military service of the state may be procured by the service of formal subpoena, or by the order of competent military authority; and every person in the military service of the state who being duly subpoenaed or ordered to appear as a witness before the courts-martial wilfully neglects or refuses to appear to qualify as a witness, or to testify or produce documentary evidence, shall be deemed guilty of disobedience of orders and punished by a court-martial accordingly; and every person not belonging to the military service of the state who being duly subpoenaed to appear as a witness before a court-martial wilfully neglects or refuses to appear or refuses so to qualify, testify, or produce documentary evidence, shall be deemed guilty of a misdemeanor and prosecuted like other misdemeanors in any court of competent jurisdiction and punished by a fine not exceeding one hundred dollars; provided that such witness may plead as a defense that he was not tendered one day's fee and mileage for the journey to and from the place of trial; and provided, that all witnesses shall receive the fees prescribed by statute for witnesses in the supreme judicial court, such amounts to be paid by the adjutant general out of the military fund; and provided that no witness shall be compelled to incriminate himself or to answer any question which may tend to incriminate or degrade him.

Sec. 60. Jurisdiction. R. S. c. 15, sec. 103. 1917, c. 259, sec. 106. 1923,

c. 174, sec. 60. All courts-martial of the national guard, including summary courts, shall have power to sentence to confinement in lieu of fines authorized to be imposed; provided, that such sentence of confinement shall not exceed one day for each dollar of fine and costs authorized.

All processes, warrants, and sentences of courts-martial shall be executed by civil officers in this state the same as like precepts of the supreme judicial court are executed in the state, and all such processes, warrants, or sentences, when issued by any courts-martial shall extend to any part of the state.

Sec. 61. Confinement. R. S. c. 15, sec. 104. 1917, c. 259, sec. 107. 1923, c. 174, sec. 61. When the sentence of a court-martial adjudges a fine and costs against any person, and such sentence has been approved as provided by section ninety of this act, or whenever a person in the military service is ordered confined to await trial or is sentenced to confinement by a court-martial, or whenever any person is ordered into confinement at a place or station not provided with a guard house or military prison, the governor, the court or officer ordering the court, or the officer commanding for the time being, as the case may be, shall issue a warrant of commitment directed to the sheriff of the county in which the court-martial was held, directing him to take the body of the person so convicted and confine him in the county jail; and it shall be the duty of the sheriff to take the body of the person convicted and confine him in the county jail for the time specified in the sentence, or for one day for any fine not exceeding one dollar, and one additional day for every dollar above that sum, and one additional day for each dollar of cost. The costs of arrest and commitment in all court-martial proceedings shall be the same as is prescribed in the revised statutes of this state for such service in the courts of this state and shall be paid by the adjutant general from the military fund on presentation of all papers or copies of papers showing the service thereon; such papers and copies to be certified as correct by the judge-advocate or summary court.

Sec. 62. Jurisdiction presumed. R. S. c. 15, sec. 105. 1917, c. 259, sec. 109. 1923, c. 174, sec. 62. The jurisdiction of the courts and boards established by this act shall be presumed, and the burden of proof shall rest on any person seeking to oust such courts or boards of jurisdiction in any action or proceeding.

No action or proceeding shall be prosecuted or maintained against a member of the military forces of this state or an officer acting under its authority or reviewing its proceedings on account of the approval or imposition or execution of any sentence, or the imposition or collection of any fine or penalty, or the execution of any warrant, writ, execution, process, or mandate of a military court.

Sec. 63. Oaths, by whom administered. R. S. c. 15, sec. 106. 1917, c. 259, sec. 110. 1923, c. 174, sec. 63. Officers of the judge-advocate general's department, judge-advocates of courts-martial, summary court officers, and the recorders of a board, are hereby authorized to administer oaths for the purpose of military administration, and shall charge no fee for the same.

Sec. 64. Report to be made to adjutant general. R. S. c. 15, sec. 107. 1917, c. 259, sec. 111. 1923, c. 174, sec. 64. Each summary court and the judge-advocate of each special court shall, at the end of each month, make a report to the adjutant general of the cases tried, setting forth the offense committed and the penalty awarded, which reports may be destroyed when no longer of use.

Sec. 65. Applicable to naval militia. R. S. c. 15, sec. 108. 1917, c. 259, sec. 112. 1923, c. 174, sec. 65. The provisions in regard to courts and boards established by this act shall apply, so far as applicable, to the naval militia.

Uniform and Equipment.

Sec. 66. Uniform of commissioned officers; exemption from attachment and distress. R. S. c. 15, sec. 114. 1917, c. 259, sec. 115. 1923, c. 174, sec. 66. All commissioned officers shall provide themselves with such uniforms, arms and equipments as are required of commissioned officers of the regular army, and the adjutant general may purchase and issue as state property on memorandum receipt or sell for cash to commissioned officers such articles of arms, uniforms, and equipment as he may deem necessary.

The clothes, arms, military outfit, and accoutrements furnished by or through the state to a member of the active militia and the uniforms, arms, and equipment required of commissioned officers shall not be subject to any suit, distress, execution, or sale for debt or payment of taxes.

Sec. 67. Uniform not to be worn by unauthorized persons. R. S. c. 15, sec. 115. 1917, c. 259, sec. 116. 1923, c. 174, sec. 67. Every person, other than an officer or enlisted man of the national guard of this state, or of any other state, or of the United States army, navy, marine corps, or revenue or forest service, or a member of any service of the United States for whom such uniform has been prescribed by proper authority, or inmate of any veterans' or soldiers' home, or a member of the Grand Army of the Republic, or of the Sons of Veterans or the boy scouts of America, who at any time wears the uniform of the United States army or navy or national guard of this state, or any part of such uniform, or a uniform or a part of a uniform similar thereto, within the limits of this state, shall be guilty of a misdemeanor, and shall upon conviction be punished by a fine not exceeding three hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, provided, that nothing in this act shall be construed as prohibiting persons of the theatrical profession from wearing such uniform in any playhouse or theatre actually engaged in following said profession, and provided that nothing in this act shall be construed as prohibiting the uniform rank of civic societies parading or traveling in a body or assembling in a lodge room; and provided further, that whenever the national guard or any part thereof is in active service, or is called into active service, no civic organization or member thereof shall parade or appear in uniform in the locality where said national guard is in service.

Sec. 68. Equipment not to be sold. R. S. c. 15, sec. 119. 1917, c. 259, sec. 117. 1923, c. 174, sec. 68. The clothes, arms, military outfits, and accoutrements furnished by or through the state to any member of the national guard shall not be sold, bartered, exchanged, pledged, loaned, or given away; and no person not a member of the military forces of this state or the United States, or duly authorized officer or agent of the state or of the United States, who has possession of any such clothes, arms, military outfit, or accoutrements so furnished and which have been the subject of any such unlawful disposition, shall have any right, title or interest therein; but the same shall be seized and taken wherever found by any officer of the state, civil or military, and shall thereupon be delivered to any commanding officer or other officer authorized to receive the same, who shall make an immediate report to the adjutant general. The possession of any such clothes, arms, military outfits, or accoutrements by any person not a member of the military forces of the state or of the United States shall be presumptive evidence of such sale, barter, exchange, pledge, loan, or gift.

Sec. 69. Penalty for sale of equipment. R. S. c. 15, sec. 120. 1917, c. 259,

sec. 118. 1923, c. 174, sec. 69. Any person who shall sell, or offer for sale, barter, exchange, pledge, loan, or give away, secrete, or retain after demand made by any officer of the state, civil or military, any clothes, arms, military outfits, or accoutrements furnished by or through the state to a member of the national guard, or who shall receive by purchase, barter, exchange, pledge, loan, or gift, any such clothes, arms, military outfits, or accoutrements, shall be guilty of a misdemeanor and punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Sec. 70. Repair of equipment. R. S. c. 15, sec. 121. 1917, c. 259, sec. 119. 1923, c. 174, sec. 70. The adjutant general shall, whenever it may be necessary, make arrangements for the repair, cleansing, and renovation of all clothes, arms, military outfits or accoutrements on hand or issued to any organization of the national guard; and when the necessity of such repair, cleansing, or renovation is due to the fault or negligence of any member of the national guard, the cost thereof shall be charged against any pay due or to become due such member or recovered in the same manner as a fine, forfeiture, or penalty, as prescribed by this chapter.

Sec. 71. Inspection and condemnation. R. S. c. 15, sec. 122. 1917, c. 259, sec. 120. 1923, c. 174, sec. 71. The inspector general or such other military officer as the adjutant general may designate, shall inspect and condemn public military property which has become unfit for use; no property shall be sold until it has been so inspected and condemned and such condemnation approved by the adjutant general, and the proceeds of sales of condemned material, stores, supplies, or other public military property of every kind shall be deposited with the adjutant general, paid into the state treasury, and credited to the military fund.

Sec. 72. State equipment; obsolete patterns may be issued to municipalities. R. S. c. 15, sec. 123. 1917, c. 259, sec. 121. 1923, c. 174, sec. 72. All property furnished by the state shall remain and continue to be the property of the state, to be used for military purposes only, and when not so in use shall be kept in the armories or designated places of deposit; provided, however, that upon order of the governor and council, the quartermaster general is authorized to issue to the municipal officers of any city or town, field ordnance of obsolete pattern under such regulations as the governor and council may prescribe. Every officer receiving public property for military use shall be held responsible for the safekeeping and the return of the same when called for; he shall account for and make such returns thereof as may be prescribed whenever called upon so to do by the governor or other proper authority.

Sec. 73. Destruction of equipment; penalty. R. S. c. 15, sec. 123. 1917, c. 259, sec. 122. 1923, c. 174, sec. 73. Any officer, enlisted man, or other person, who shall wilfully or maliciously destroy, injure, or deface any article of military property belonging to the state or United States, or shall use it for other than military purposes, or shall have or retain the same in violation of law or regulations, shall be punished by a fine not exceeding fifty dollars. And in case any officer or enlisted man of the national guard who has at any time through carelessness or inattention lost, destroyed, or suffered to be lost or destroyed, any state or government property which has been issued for his use, the paymaster general shall retain out of the pay or allowances or moneys due such officer or enlisted man for any military services whatsoever, an amount of money equal to the value of the property so lost or destroyed, and money so retained shall be credited to the account of such officer of the national guard as may be account-

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able to the state for said property. Such portion of said money as shall be for state property shall be turned in to the treasurer of the state, to be credited to the military fund, and such portion as may be for United States property shall be turned into the United States treasury to be credited to the state on its property returns.

General Provisions.

Sec. 74. Exemption from arrest. 1917, c. 259, sec. 123. 1923, c. 174, sec. 74. Every person belonging to the national guard of the state shall in all cases, except felony and breach of the peace, be privileged from arrest while going to, remaining at, or returning from any place at which he may be required to attend for military duty.

Sec. 75. Exemption from jury duty. 1917, c. 259, sec. 124. 1923, c. 174, sec. 75. Every member of the national guard, every retired officer, and every enlisted man holding the certificate of merit shall be exempt from all jury duty; production of a certificate from the claimant's commanding officer showing that the holder is a member of the national guard, or a certificate of retirement, or of a certificate of merit, or the sworn statement of the claimant that he is such member, retired officer, or holder of a certificate of merit, shall be prima facie proof that the claimant is entitled to the exemption.

Sec. 76. Voluntary service forbidden unless authorized. 1917, c. 259, sec. 125. 1923, c. 174, sec. 76. No organization of the national guard shall perform any voluntary military service except as authorized by this act or by the express orders of the governor.

Sec. 77. Permission to leave or enter state. 1917, c. 259, sec. 126. 1923, c. 174, sec. 77. No organization of the national guard shall leave the state, and no military organization of another state, unless acting under the authority of the United States, shall enter the state, except in each case by permission of the governor.

Sec. 78. Other military organizations prohibited; penalty. 1917, c. 259, sec. 127. 1923, c. 174, sec. 78. No body of men, other than the national guard and the troops of the United States, shall associate themselves together as a military company or organization, or parade in public with firearms in any city or town of this state; nor shall any city or town raise or appropriate any money toward arming, equipping, uniforming, or in any other way supporting, sustaining, or providing drill rooms or armories for any such body of men; but associations wholly composed of soldiers and sailors honorably discharged from the service of the United States and the order known as the Sons of Veterans may parade at any time in public with firearms, having first obtained the written permission of the city or municipal officers of the town or city in which they reside to parade, and students in educational institutions where military science is taught as a prescribed part of the course of instruction, may, with the consent of the governor, drill and parade with firearms in public under the superintendence of their military instructors. Any person violating any provision of this section shall be deemed guilty of a misdemeanor and punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Sec. 79. Right of way; penalty. R. S. c. 15, sec. 124. 1917, c. 259, sec. 128. 1923, c. 174, sec. 79. The commander of any portion of the national guard parading or performing any military duty in any street or highway may require any or all persons in such street or highway to yield the right of way to such

national guard, provided the carriage of the United States mail, the legitimate functions of the police, and the progress and operations of the hospital ambulances, fire engines, and fire departments, and apparatus of the insurance patrol shall not be interfered with thereby. All others who shall hinder, delay, or obstruct any portion of the national guard whenever parading or performing any military duty, or who shall attempt so to do, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Sec. 80. Bounds and limits of camps. R. S. c. 15, sec. 125. 1917, c. 259, sec. 129. 1923, c. 174, sec. 80. Every commanding officer, when on duty as such, may fix necessary bounds and limits to his camp, or parade, not including a road so as to prevent passing. Whoever intrudes within the limits of the parade, camp, or armory, after being forbidden, or resists a sentinel who attempts to put him or keep him out of such limits, or in any manner interrupts or molests the orderly discharge of duty by those under arms, or disturbs, hinders, or prevents the passage of troops going to or returning from any duty, may, at the discretion of the commanding officer, be confined under guard not exceeding twenty-four hours. Such authority of an officer commanding a camp may be extended by order of the commander-in-chief to a distance not exceeding one-half mile around such camp; provided, that the owner or owners of the external space within such distance of the camp, and their agents or servants, shall not be hindered or prevented from entering upon such space for the purpose of using, occupying, and improving the same in the same manner in which they used, occupied, and improved the same at the time when the camp was established. The commanding officer of any camp or armory shall prohibit the introduction or sale of, or dealing in, beer, wine, or any intoxicating liquor, within the limits or extended limits of the camp or within the armory, and he may abate as common nuisances all such sales and introductions.

Sec. 81. Depriving members of employment. Penalty. 1917, c. 259, sec. 130. 1923, c. 174, sec. 81. 1925, c. 90, sec. 4. Any person who either by himself or with another, wilfully deprives a member of the national guard or naval militia of his employment, or prevents his being employed by himself or another, or obstructs or annoys said member of said national guard or naval militia or his employer in respect to his trade, business, or employment, because said member of said national guard or naval militia is such member, or dissuades any person from enlisting in the said national guard or naval militia by threat of injury to him in case he shall so enlist, in respect to his employment, trade, or business, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.

All officials and employees of the state of Maine who shall be members of the national guard thereof shall be entitled to leave of absence from their respective duties, without loss of pay or time, on all days during which they shall be engaged in field or coast defense training ordered or authorized by the governor of the state of Maine or under the provisions of the national defense act.

Sec. 82. Discrimination against members. Penalty. 1917, c. 259, sec. 131. 1923, c. 174, sec. 82. No association or corporation, constituted or organized for the purpose of promoting the success of the trade, employment, or business of the members thereof, shall by any constitution, rule, by-law, resolution, vote or regulation, discriminate against any member of the national guard or naval

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militia because of such membership, in respect to the eligibility of such member of the national guard or naval militia to membership in such association or corporation, or in respect to his rights to retain said last mentioned membership; and any person who aids in enforcing any such provisions against a member of the said national guard or naval militia with intent to discriminate against him because of such membership, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Sec. 83. Molestation of members. Penalty. 1917, c. 259, sec. 132. 1923, c. 174, sec. 83. Whoever shall unlawfully molest, insult or abuse any member of the national guard or naval militia while in the performance of his duty shall be deemed guilty of misdemeanor, and on conviction thereof shall be punished by a fine not to exceed five hundred dollars or by imprisonment not to exceed six months, or by both such fine and imprisonment.

Sec. 84. Prosecution of offenses before civil courts. R. S. c. 15, sec. 127. 1917, c. 259, sec. 133. 1923, c. 174, sec. 84. Offenses against the provisions of this chapter, except when they are purely military and committed by a person subject to military jurisdiction, may, unless a different remedy is specially provided, be prosecuted by complaint or indictment before a court of competent criminal jurisdiction; and all fines and forfeitures collected under the provisions of this chapter, the disposition whereof is not otherwise specially provided for, shall be paid into the state treasury and credited to the military fund.

Sec. 85. Neglect of civil officers to perform duties imposed on them; penalty. R. S. c. 15, sec. 126. 1917, c. 259, sec. 134. 1923, c. 174, sec. 85. Civil officers named in this chapter, neglecting or refusing to obey its provisions, shall be guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine not to exceed five hundred dollars or by imprisonment not to exceed six months or by both such fine and imprisonment.

Rules and Regulations.

Sec. 86. Company by-laws. R. S. c. 15, sec. 128. 1917, c. 259, sec. 135. 1923, c. 174, sec. 86. Companies of the national guard may make by-laws, subject to the written approval of the adjutant general, not repugnant to law, orders, or regulations, and fix a sum to be paid by any member of such company for non-compliance therewith not exceeding five dollars. Any member who fails to pay such sums so fixed, within thirty days after notification that the same is due, shall be deemed guilty of conduct to the prejudice of good order and military discipline, and punished by a court-martial accordingly.

Sec. 87. National Guard Association; organization and powers. R. S. c. 15, sec. 129. 1917, c. 259, sec. 136. 1923, c. 174, sec. 87. The commissioned officers of the national guard may organize themselves into an association the name of which shall be The National Guard Association of the State of Maine. Such association may adopt a constitution and by-laws not repugnant to law, orders, or regulations, and alter and amend the same, and may take and hold such real and personal property as may be necessary for the purposes of the association.

Sec. 88. Regulations. R. S. c. 15, sec. 130. 1917, c. 259, sec. 137. 1923, c. 174, sec. 88. The governor is hereby authorized to make such rules and regulations as he may deem expedient, but such rules and regulations shall conform to this chapter, and regulations published by the militia bureau of the war department for the government of the national guard of the United States,

as nearly as practicable to those governing the United States army and navy, and when promulgated, shall have the same force and effect as the provisions of this chapter. The rules and regulations in force at the time of the passage of this chapter, and not inconsistent herewith, shall remain in force until new rules and regulations are approved and promulgated.

Sec. 89. Rules governing militia not in federal service when called out by governor. R. S. c. 15, sec. 131. 1917, c. 259, sec. 139. 1923, c. 174, sec. 89. Whenever any portion of the militia not being in the service of the United States shall be on duty or ordered to assemble for duty by the governor in time of actual war, insurrection, invasion or rebellion, the articles of war governing the army of the United States, the articles for the government of the United States navy, and the regulations prescribed for the army and navy of the United States, so far as consistent with this chapter and the regulations issued thereunder, shall be in force and regarded as a part of this chapter until said forces shall duly be relieved from such duty during such state of actual war, insurrection, invasion, or rebellion; but no punishment under such rules and articles which shall extend to the taking of life, shall in any case be inflicted until the approval by the governor of the sentence inflicting such punishment.

Sec. 90. Articles of war and courts-martial. R. S. c. 15, sec. 132. 1917, c. 259, sec. 140. 1923, c. 174, sec. 90. Except as provided in the preceding sections the national guard of Maine, and the unorganized militia whenever called into service, shall at all times and in all places, be governed by the articles of war and the manual of courts-martial, as now or hereafter modified and adapted to the use of the national guard by the war department, militia bureau, in the national guard regulations.