

# MAINE STATE LEGISLATURE

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THE  
REVISED STATUTES

OF THE  
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED  
THE CONSTITUTIONS

OF THE  
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

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BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:  
PUBLISHED BY BAILEY & NOYES.

CHAP. 1.**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. Notice of approval, time when effective, and construction of statutes.
2. Sovereignty. Lands taken and ceded for military purposes. Coast survey. Expenditure of appropriations. Sinking funds. Seat of government. Organization of the legislature. Notice of petitions for legislation. Secretary of State. Treasurer of State. State library. Tenure and qualification of officers.
  3. Towns, their meetings; officers, powers, and duties.
  4. Elections.
  5. Lands, their sale and settlement. Land agent. Location and care of lots for public uses.
  6. Assessment and collection of taxes.
  7. Registry of deeds.
  8. County treasurers.
  9. Indian tribes.
  10. The militia.
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**CHAPTER I.**

**DIVISIONS OF THE STATE. NOTICE OF APPROVAL, TIME WHEN EFFECTIVE AND CONSTRUCTION OF STATUTES.**

- SEC. 1.** Bonds of counties, districts, towns, plantations.
2. Notice of approval of acts.
  3. Time when public acts become effective, and construction of acts repealing acts.
  4. Rules of construction.
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    - II. Singular and plural. Masculine and feminine.
    - III. Majority authorized to act.
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    - VII. Inhabitant.
    - VIII. Insane.
    - IX. Issue.
      - X. Lands and Real estate,
      - XI. Month. Year.
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- XVI. United States and states.
- XVII. Town.
- XVIII. Written. Signature.
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- XX. Duly sworn. Sworn according to law. Sworn.
- XXI. Acts of agents.
- XXII. Disinterested.
- XXIII. Municipal officers.
- XXIV. State paper.
- XXV. Abstracts and notes.
- XXVI. Acts of incorporation.

- SEC. 5. Persons to be sworn, may affirm.
6. Sworn, duly sworn, as used in records.

SECTION 1. The state is divided into counties, districts, towns, and plantations. Their bounds continue as they are established.

Bounds of counties, towns and other divisions continued. R. S. c. 1, § 1. Secretary to give notice of approval of acts. R. S. c. 1, § 2. See c. 2, § 41.

SEC. 2. When a public act is approved by the governor, the secretary of state is to 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 is to be entered on the journal of each house.

SEC. 3. A statute becomes effective in thirty days after the recess of the legislature passing it, unless a different time is named therein. The repeal of an act or resolve passed after the fourth day of March, eighteen hundred and seventy, shall not revive any statute in force before the act or resolve took effect. The repeal of an act shall not affect any punishment, penalty or forfeiture incurred before the repeal takes effect, or any suit, or prosecution or proceeding pending at the time of the repeal, for an offence committed or for the recovery of a penalty or forfeiture incurred under the act repealed. Actions pending at the time of the passage or repeal of an act, shall not be affected thereby.

Acts become effective in thirty days after recess. R. S. c. 1, § 3. 21 Me. 60. 30 Me. 488. 52 Me. 158. Construction of acts repealing acts. 1870, c. 109. 45 Me. 72, 507. 23 Me. 234. 49 Me. 533.

SEC. 4. The following rules are to be observed in the construction of statutes, unless such construction is inconsistent with the plain meaning of the enactment.

Rules of construction. R. S. c. 1, § 4.

I. Words and phrases are to be construed according to the common meaning of the language. Technical words and phrases, and such as have a peculiar meaning are to be considered as conveying such technical, or peculiar meaning. (a)

Meaning of words and technical terms. 47 Me. 347. 49 Me. 525.

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

Singular and plural. 48 Me. 550.

(a) 47 Me. 345. 49 Me. 525. See c. 49, § 60.

- CHAP. 1.**
- Majority may act.** 48 Me. 405-6.  
**39 Me. 220.**  
**Annual meeting.**  
**Grantor and Grantee.**
- Highway.**
- Inhabitant.** 37 Me. 369.
- Insane.** 49 Me. 361.  
53 Me. 206.
- Issue.**
- Lands and real estate.** See c. 6, § 3.
- Month.**
- Oath.**
- Person.**
- Preceding and following.**
- Seal.** 33 Me. 427.  
34 Me. 200.  
36 Me. 366.
- United States and state.**
- Town.** 56 Me. 81.
- Written and signature.** 56 Me. 390.
- Will.**
- Sworn, duly sworn, sworn according to law.**
- III. Words giving authority to three or more persons authorize a majority to act, when the enactment does not otherwise determine.
- IV. The words "annual meeting," when applied to towns, mean the annual meeting required by law for choice of town officers.
- 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. (a)
- VII. The word "inhabitant" means a person having an established residence in a place.
- VIII. The words "insane person" may include an idiotic, non compos, lunatic, or distracted person.
- IX. The word "issue" applied to the descent of estates includes all lawful lineal descendants of the ancestor.
- X. The words "land or lands" and the words "real estate" include lands and all tenements and hereditaments connected therewith, and all rights thereto and interests therein.
- XI. 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. (b)
- XII. The word "oath" includes an affirmation, when an affirmation is allowed.
- XIII. The word "person" may include a body corporate.
- XIV. 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.
- XV. 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 the use of wafer or wax.
- XVI. 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.
- XVII. The word "town" includes cities and plantations unless otherwise expressed or implied.
- XVIII. The words "in writing" and "written" include printing and other modes of making legible words. When the signature of a person is required he must write it or make his mark.
- XIX. The word "will" includes a codicil.
- XX. When the words "sworn" "duly sworn," or "sworn according to law," are applied to an officer required by the constitution to take and subscribe an oath, they mean that he shall take and

(a) 18 Me. 409. 26 Me. 406. 34 Me. 9. See, c. 18, § 68; c. 19 § 1.

(b) 47 Me. 338. See c. 11, § 54, item 1.

subscribe such oath, and when applied to any other officer or person, they mean that he shall make oath faithfully and impartially to perform the duties required of him in the case specified.

CHAP. 2.  
30 Me. 319.  
41 Me. 226.  
42 Me. 367.

XXI. 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.

Acts of agents.  
48 Me. 554.

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

Disinterested.  
1863, c. 162, § 1.  
29 Me. 531.  
30 Me. 155.  
32 Me. 310.  
47 Me. 474,  
594.  
52 Me. 501.

XXIII. The term "municipal officers" shall be construed to include the mayor and aldermen of cities, the selectmen of towns, and the assessors of plantations.

Municipal officers.  
56 Me. 31.

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

State paper.

XXV. Abstracts of titles and chapters, marginal and other notes are not to be considered as legal provisions.

Abstracts and notes.

XXVI. Acts of incorporation are to be regarded in legal proceedings as public acts, and to be in force on the date of their approval.

Incorporations.  
24 Me. 139.

SEC. 5. In all cases when a person required to be sworn, is conscientiously scrupulous of taking an oath, he may affirm.

Persons to be sworn, may affirm.

SEC. 6. When the words "sworn," "duly sworn," or "sworn according to law," are used in a record or certificate of the administration of an oath, they mean that the oath required by the laws, or the constitution in the case specified, was taken, or taken and subscribed in due form.

Sworn, duly sworn, as used in records.

## CHAPTER 2.

SOVEREIGNTY. LANDS TAKEN AND CEDED FOR MILITARY PURPOSES. COAST SURVEY. EXPENDITURE OF APPROPRIATIONS. SINKING FUNDS. SEAT OF GOVERNMENT. ORGANIZATION OF THE LEGISLATURE. NOTICE OF PETITIONS FOR LEGISLATION. SECRETARY OF STATE. TREASURER OF STATE. STATE LIBRARY. TENURE AND QUALIFICATION OF OFFICERS.

SOVEREIGNTY. LANDS TAKEN AND CEDED FOR MILITARY PURPOSES. COAST SURVEY.

- SEC. 1. Sovereignty of the state.
2. Processes executed in places ceded to United States.
  3. Governor may cede.