

# MAINE STATE LEGISLATURE

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THE  
REVISED STATUTES

OF THE  
STATE OF MAINE,

PASSED JANUARY 25, 1871;

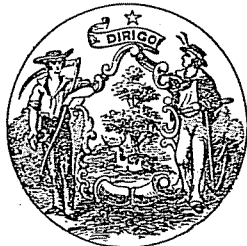
TO WHICH ARE PREFIXED  
THE CONSTITUTIONS

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.

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 and exercise their respective offices for the term of four years and no longer, unless reappointed; subject to removal at any time within said term by the governor and council. CHAP. 3.

Sec. 85. The governor, with advice of council, may appoint, in each county, persons, before whom the oaths required by the constitution to qualify civil officers, may be taken and subscribed. Governor may appoint persons to qualify civil officers. R. S. c. 2, § 45.

Sec. 86. The justices of the supreme judicial court, attorney general, secretary, treasurer, adjutant general and quarter master 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 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, excepting in cases where the constitution otherwise provides. Officers to make oath before the governor and council. R. S. c. 2, § 46.  
Officers to make oath before magistrate.

Sec. 87. 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, at the request of a surety or otherwise; and when a new bond is given, the obligees in the former one are discharged from all liability thereon for acts and defaults after the acceptance of the new one; and if he does not give a new and satisfactory bond within the time specified by the governor and council, his office shall be deemed vacant, and filled as provided by law. Officers may be required to give new bonds.  
If new bond is not given office deemed vacant. R. S. c. 2, § 47.

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- 49. Proceedings of meetings of organization and what officers are to be chosen, and how qualified.
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- 52. Names of clerks and assessors of plantations to be returned to the secretary of state annually by the first day of July.
- 53. Laws relating to town meetings and town officers apply to plantations and their officers.
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- 56. For what purposes plantations may raise and expend money.
- 57. Plantations not to consist of more than one township. When former organizations cease to have effect.
- 58. When towns are incorporated, valuation thereof to be taken, corrected and returned to state treasurer as provided in section fifty-five, as basis of state and county taxes.
- 59. Upon neglect of Assessors to make such return, the county commissioners to appoint suitable persons to perform the service.
- 60. Compensation and payment of assessors so appointed, amount to be added to county tax.
- 61. Plantations may be reorganized.

## TOWNS.

SECTION 1. The inhabitants of each town are a body corporate capable of suing and being sued, and of appointing attorneys and agents.

SEC. 2. Every town meeting, except in the cases mentioned in

Towns are corporations.  
R. S. c. 3, § 1.  
13 Me. 466.  
3 Me. 369.  
20 Me. 45, 246.  
Meeting to be

## CHAP. 3.

called by selectmen.

R. S. c. 3, § 2.

First meeting, how called; when no officers; how called.

R. S. c. 3, § 3.

the two following sections, shall be called by a warrant signed by the selectmen of such town.

SEC. 3. The first town meeting held in town 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.

Selectmen

refusing, how called.

R. S. c. 3, § 4.

53 Me. 390.

SEC. 4. In case the selectmen unreasonably refuse to call a town meeting, any ten or more legal voters therein may apply to a justice of the peace in the county, who is hereby authorized to issue his warrant for calling such meeting. When ten or more of the qualified voters in town in writing request the selectmen to insert a particular matter or thing in a warrant for calling a town meeting, they shall insert it in the next warrant, that they issue therefor, or shall call a special meeting for the consideration thereof.

Form of warrant, articles specified in it.

R. S. c. 3, § 5.

SEC. 5. In either case, the warrant shall specify the time and place at which the meeting is to be held; and in distinct articles state the business to be acted upon at such meeting; and no other business, matter, or thing shall be there acted upon. (a)

Warrant to whom directed.

R. S. c. 3, § 6.

SEC. 6. The warrant may be directed to any constable of the town, or any individual by name, directing him to warn and notify all persons by law qualified to vote at such meeting, to assemble at the time and place appointed.

Notice how given.

Return on warrant.

R. S. c. 3, § 7.

SEC. 7. Such meeting shall be notified by the person to whom the warrant is directed by his posting up 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 his return on the warrant, stating the manner of notice, and the time it was given. (b)

Errors in returns, in records, and tax lists shall be amended.

R. S. c. 3, § 8.

1869, c. 22, § 1.

See c. 6, § 37,

114. 13 Me.

466. 17 Me.

444. 48 Me.

353. 56 Me.

395.

Who are legal

voters. R. S.

c. 3, § 9.

SEC. 8. When omissions or errors exist in the records or tax lists of a town or school district, or in the returns of warrants for meetings thereof, they shall be amended, on oath, according to the fact, by the officer whose duty it was to have made them correctly, while in or after he ceases to be in office. If the original warrant is lost or destroyed, the return, or an amendment of it, may be made upon a copy thereof.

SEC. 9. Every person, who is qualified by the constitution of this state to vote for governor, senators, and representatives, in the town

(a) 3 Me. 305. 10 Me. 317. 12 Me. 487. 13 Me. 486. 17 Me. 100. 19 Me. 184.

(b) 7 Me. 426. 12 Me. 487. 25 Me. 561. 26 Me. 172. 29 Me. 523. 34 Me. 575. 49 Me. 346, 351. 51 Me. 30. 56 Me. 392.

in which he resides, is entitled to vote in the election of all town officers, and in all the business affairs thereof. CHAP. 3.

SEC. 10. The annual town meetings in the state shall be held in the month of March, and the qualified voters in each town 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, tythingmen, sealers of leather, measurers of wood and bark, constables, collectors of taxes, other usual town officers, and in their discretion, in towns containing one thousand inhabitants, one auditor of accounts, all of whom shall be duly sworn. Treasurers or collectors of towns having more than fifteen hundred inhabitants shall not be members of the boards of selectmen or assessors. (a)

Annual meeting in March, officers then chosen.  
R. S. c. 3, § 10.  
Auditors of accounts, certain towns may choose.  
Treasurers or collectors shall not be members of boards of selectmen or assessors in certain towns.  
1864, c. 279, § 1.  
1870, c. 98, § 1.  
1870, c. 119, § 1.

SEC. 11. The election of moderator, town clerk, selectmen, assessors, treasurer, auditor, school committee, and town agent, shall be by ballot; and all other of said officers may be by ballot, or other method agreed on by a vote of the town.

Officers chosen by ballot.  
R. S. c. 3, § 11,  
3 Me. 290  
Exceptions.  
48 Me. 440.

SEC. 12. Unless towns at their annual meeting choose road commissioners or appoint the municipal officers surveyors of highways, said officers shall appoint surveyors of highways, whose term of office shall commence on the first day of May, and end with the last day of April in each year; and if from any cause the town fails or neglects to choose, at the annual meeting, any of such officers as are not required to be chosen by ballot, or if after such officers are chosen there is, for any cause, a vacancy in any such office, the municipal officers may fill such offices and vacancies, by the written appointment of proper persons, who shall be summoned by the constable and required to appear and take the oath of office as is provided in section fifteen, subject to the penalties provided in section sixteen. Such appointment and oath shall be recorded as in case of a choice by the town.

See c. 18, § 43, 60.  
Vacancies, how supplied.  
R. S. c. 3, § 12.  
See sec. 18.  
c. 11, § 4, c. 6, § 97, 102, 119, 121. 1870, c. 98, § 2.

SEC. 13. During the election of moderator of town meeting, 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 lawfully 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 a justice of the peace.

Who is to preside in meeting.  
R. S. c. 3, § 13,  
17 Me. 444.

SEC. 14. 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.

Clerk to be sworn, form of oath.  
R. S. c. 3, § 14.

(a) See § 18, c. 6, §§ 76, 77, 140, 147; c. 14, §§ 14, 34; c. 18, § 60; c. 21, § 2; c. 24, § 4; c. 26, § 6; c. 30, § 11; 17 Me. 444, 48 Me. 440.

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Officers chosen, summoned to take their oath.  
R. S. c. 3, § 15.

Penalty for neglect to be sworn.

R. S. c. 3, § 16.  
Sec c. 6, § 85.  
Sec c. 26, § 6.  
1 Me. 248.

Town or parish officer how sworn, certifies to be given.

R. S. c. 3, § 17.  
12 Me. 222.  
17 Me. 444.  
48 Me. 440.

Assessors may administer oath to highway surveyor.  
1860, c. 148, § 1.

Mode of making record.

Clerk may record his own election.

Record to be evidence.

Penalty for neglect.

Fees for recording oath.

Vacancies may be filled at any town meeting.

R. S. c. 3, § 18.  
1863, c. 203.  
Sec c. 6, § 140,  
147.

Sec c. 18, § 43.

If fence viewers are not chosen or neglect to act, selectmen to act as such.

Moderator to be first chosen, his duties.

R. S. c. 3, § 19.  
56 Me. 390.  
48 Me. 440.

SEC. 15. The town clerk or any two of the selectmen shall forthwith make out a list of the names of all persons chosen into office, of whom an oath is required by law, and deliver it to a constable with a warrant to him directed; and he shall within three days from the day of receiving it, summon each of the persons therein named to appear before the town clerk, within seven days from the time of notice, to take the oath of office by law required; and at the end of ten days after receiving his warrant, the constable shall return it or forfeit six dollars for the use of the town; and the town shall allow him a reasonable compensation for his services.

SEC. 16. Every person so notified and neglecting to take the oath required of him within said seven days, except officers for whose neglect a different penalty is provided, shall forfeit five dollars, two-thirds to the use of the town, and the other to the use of the prosecutor.

SEC. 17. Any town or parish officer may be sworn by the town or parish clerk, or by any magistrate or 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 within seven days, to be placed on file. Highway surveyors may be sworn by either of the assessors, who shall give a certificate thereof, as is required in such case, of a magistrate. 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 duly sworn, may record his own election, the fact that he was sworn, when and by whom. The record herein required shall be sufficient evidence that any such officer was duly sworn. If any officer fails to return such certificate, or any clerk to record such oath within ten days, he shall forfeit five dollars. Town clerks shall be paid by the town five cents for each oath recorded by them.

SEC. 18. When by reason of the non-acceptance, death, removal, insanity or other incompetency of a person chosen into a town office, there is a vacancy, or want of officers, the town may make a new choice of officers; and they shall be duly sworn, if an oath is required, and have the same powers as if elected at the annual meeting. In case a town shall neglect to choose fence viewers at its annual town meeting, or the persons chosen fail to be legally qualified, the selectmen shall act in that capacity. (a)

SEC. 19. 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

(a) See § 12. c. 6, § 75, 77, 81, 86 to 92, 97, 102, 119, 121; c. 11, § 4; c. 14, §§ 15, 24. 1 Me. 248.



make the vote certain by polling the voters, or in such other way as the meeting directs. CHAP. 3.

SEC. 20. 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 on pain of forfeiting one dollar for every breach of such order for the use of the town.

Moderator to be obeyed.  
R. S. c. 3, § 20.

SEC. 21. 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 shall forfeit three dollars to the use of 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.

His powers.  
R. S. c. 3, § 21.

SEC. 22. 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.

Relating to meetings for the choice of state officers.  
R. S. c. 3 § 22.

SEC. 23. The moderator, or other person presiding at a town meeting, shall not receive any vote folded or doubled, or permit any person before the poll is closed, without the consent of the voter, to read or examine his ballot with a view of ascertaining the name of any candidate thereon, on penalty of twenty dollars.

Folded votes not to be received. Votes not to be examined till poll is closed.  
Penalty.  
R. S. c. 3, § 23.

#### WARDS OF CITIES AND ELECTION OF CITY OFFICERS.

SEC. 24. No change in the limits of any ward in any city by the action of the city council, 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 the city council; and the warrants for the ward meetings shall contain an article for that purpose.

Wards in cities, change or alteration in the limits of, how to be made.  
1861, c. 1, § 1.

SEC. 25. The assessors and subordinate officers of cities, when their charters or acts additional thereto do not otherwise provide, shall be chosen on the second Monday of March annually, or as soon after as practicable, and hold their offices one year therefrom, and until others are chosen and qualified in their stead.

When assessors and subordinate officers are to be elected.  
1858, c. 17, § 1.

SEC. 26. At the annual election for the choice of mayor and aldermen in cities, the qualified electors in each ward shall by written ballot elect a warden and clerk, who shall enter on the duties of their offices on the Monday next following their election, and shall hold their offices one year therefrom, and until others are chosen and qualified in their places.

Wardens and clerks in cities, how elected.  
1863, c. 190, § 1.

SEC. 27. 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 or more candidates have each half of the ballots cast, he shall determine and declare which of them, not exceeding the number to be chosen, is elected. In all cases where appointments to office are

Term of office.  
Mayor to have casting vote in choice of officers.  
R. S. c. 3, § 25.

CHAP. 3. directed or authorized to be made by the mayor and aldermen of cities, they may be made by the mayor by and with the advice and consent of the aldermen, and such officers may be removed by the mayor.

Officers appointed by the mayor and aldermen may be removed by the mayor.  
1866, c. 49.

## CERTAIN DUTIES OF MUNICIPAL OFFICERS.

Members of city government and selectmen forbidden to vote on questions of pecuniary interest to them.  
1868, c. 162, §1.

SEC. 28. No member of any city government or board of selectmen of any town, shall in either board of such city government, or in any board of selectmen, vote upon any question in which he is pecuniarily interested, directly or indirectly, and in which his vote may be decisive; and no action of any city government or board of selectmen taken by means of a vote hereby forbidden, shall be legal.

Pecuniary interests in contracts of cities or towns prohibited.  
1868, c. 162, §2.

SEC. 29. No member of any city government shall be interested, directly or indirectly, in any contract entered into by such city government while he is a member thereof; and any contract made in violation hereof shall be void.

Proceedings to enforce &c.  
1868, c. 162, §3.  
56 Me. 64.

SEC. 30. The supreme judicial court in equity, by writ of injunction or otherwise, may restrain proceedings in any town in violation of the two preceding sections, upon application therefor, of ten or more taxable citizens thereof.

Selectmen, treasurer &c., required to make detailed reports.  
1865, c. 305, §1.

SEC. 31. The selectmen, treasurer, and every other person charged with the expenditure of the money of any town, shall, on or before the morning of the annual meeting in each year, make detailed written or printed reports of all their financial transactions, for or 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, together with a statement in detail of the indebtedness and resources of the town. Such reports, or reports of town auditors containing the same statements, if printed, shall be distributed to the legal 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 not an office or usual place of business, with the town clerk, together with the 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 any legal voter; and if any town officer shall refuse or neglect to perform any of the requirements of this section, or shall refuse to allow any legal voter in the town to examine the reports, vouchers, and town books herein named, he shall be liable to a fine of fifty dollars for each and every refusal or neglect, to be recovered by indictment, one-half to the use of the complainant and one-half to the use of the county.

Reports to be distributed, if printed.

To be open for inspection in town meeting.  
Penalty for refusal or neglect of duty.  
1865, c. 305.

Assessors to

SEC. 32. The assessors of cities, towns and plantations, on or

before the first day of July in each year, shall make return to the office of secretary of state, for the year ending on the first day of April next preceding, of the number of horses four years old and upwards, and cattle less than four years old, neat stock, sheep and swine, therein on said first day of April, the number of bushels of indian corn, rye, barley, oats, beans, peas, buckwheat, potatoes, turnips, beets, carrots and apples, the number of tons of upland, bog, salt and intervale hay, the number of pounds of butter, cheese, honey, and maple sugar, the number of gallons of maple syrup and molasses, raised and made therein during the year, the number of wool skins disposed of, the value of poultry and eggs produced, and the number of sheep killed by wild animals and dogs during the year.

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make return of neat stock, &c., to secretary of state. 1860, c. 159, § 1. 1862, c. 90, § 1.

Also, agricultural products. 1863, c. 173.

SEC. 33. The secretary of state shall cause to be printed blank tables conveniently arranged for the return of facts as aforesaid, and shall furnish three copies of the same, with a copy of the two preceding sections printed thereon, to the assessors of each city, town and plantation, on or before the twentieth of March in each year.

Secretary of state to furnish blank tables. 1862, c. 90, § 2.

SEC. 34. The returns from the cities, towns and plantations in each county, as they are received at the office of the secretary of state, shall be filed by themselves in a convenient form for reference for the use of the legislature and for the secretary of the board of agriculture.

Returns to be filed. 1862, c. 90, § 3.

## POWER OF TOWNS TO RAISE MONEY.

SEC. 35. The qualified voters of a town, at a legal town meeting, may raise such sums, as are necessary for the maintenance and support of schools and the poor; for making and repairing highways, and town ways and bridges; for purchasing and fencing burying grounds; for purchasing or building and keeping in repair a hearse and house therefor, for the exclusive use of its citizens; and for other necessary town charges. (a)

Money may be raised for what purposes. R. S. c. 3, § 26. See c. 15, § 1. See c. 13, § 44.

SEC. 36. Cities and towns may raise money for the purpose of procuring the writing and publication of their histories, and a sum not exceeding five thousand dollars in one town for the purpose of erecting a suitable monument in memory of the soldiers who sacrificed their lives in defence of their country in the recent war.

Towns authorized to procure histories and erect monuments. 1859, c. 56.

1866, c. 19, § 1.

Doings of cities, towns and plantations made valid. 1862, c. 85, § 1.

1864, c. 226, 227.

1865, c. 298.

1866, c. 59.

1869, c. 55.

51 Me. 608.

52 Me. 595.

53 Me. 446,

527, 575.

56 Me. 202,

203, 451.

SEC. 37. The past acts and doings of cities, towns and plantations, in offering, paying and contracting to pay, and in raising and providing means to pay expenses for recruiting for their several quotas, commutations to drafted men, bounties to or for volunteers, drafted men or substitutes of drafted men, or enrolled men, mustered into or entisted for the military or naval service of the United States, are made valid, provided such acts and doings have been, at meetings

(a) 3 Me. 88, 191. 14 Me. 375. 20 Me. 178. 51 Me. 176. 52 Me. 598. 54 Me. 250. As to power to aid in construction of railroads, see chap. 51, §§ 80, 81, and 82.

CHAP. 3. legally called and held in pursuance of warrants therefor, setting forth the purposes upon which such acts and doings were based. And all taxes assessed, contracts made and notes and orders given by municipal officers in pursuance of votes passed at such meetings, are also made valid.

Contracts made valid. 1864, c. 226, §§ 3, 4, 5. 1866, c. 59, § 2. 1869, c. 55, § 2.

SEC. 38. All contracts made in pursuance of votes passed at such meetings, by such municipal officers, or their duly authorized agents, with any volunteer, drafted man, or substitute, or with third persons, corporations or associations for the purpose of providing means to pay commutations, bounties to volunteers, drafted men or substitutes, are made valid.

Unauthorized contracts of municipal officers, may be ratified. 1865, c. 298, § 3. 1866, c. 59, § 3. 1869, c. 55, § 3. 55 Me. 9, 193.

SEC. 39. All contracts heretofore made by such municipal officers, or by third persons, in behalf of any city, town or plantation, but without previous authority therefor, to pay commutations, bounties to or for volunteers, drafted men or substitutes, actually in or enlisted for the military or naval service of the United States, may be ratified and made valid by any city, town or plantation at legal meetings thereof, called and notified as named in section thirty-seven.

#### TOWN AND CITY BY-LAWS AND ORDINANCES.

Towns and cities may make by-laws. R. S. c. 3, § 27. 36 Me. 317. 39 Me. 35.

SEC. 40. Towns, cities, and village corporations may make such by-laws or ordinances as they think proper, not inconsistent with the laws of the state, and enforce them by suitable penalties, for the purposes and with the limitations following:

For managing prudential affairs.

First. For managing their prudential affairs as they judge conducive to their peace and good order, and annex penalties not exceeding five dollars for one offence, subject to the approval of the county commissioners, or a judge of the supreme judicial court. (a)

For establishing police regulations. See c. 25.

Second. For establishing such police regulations as they may deem necessary for the prevention of crime, the protection of property, and the preservation of good order.

Respecting infectious diseases.

Third. Respecting infectious diseases and health. (b)

Regulating going at large of dogs and other animals.

Fourth. For regulating the going at large of dogs, swine, and cattle therein. (c)

Respecting measure and sale of wood, bark and coal.

Fifth. Respecting the measure and sale of wood, bark, and coal brought to market, and the teams coming therewith. (d)

Reserving streets for sidewalks and keeping them clear of obstructions, and planting trees.

Sixth. For reserving and setting off such portions of their streets for sidewalks as they deem proper, and keeping them clear of snow and other obstructions, and for planting and preserving trees by the side thereof. (e)

(a) See c. 11, § 13; c. 17, §§ 6, 9, 29, 30; c. 26, §§ 1, 24, 27.

(b) See c. 14, § 36.

(c) See c. 30, § 1.

(d) See c. 41, § 1.

(e) See c. 18, §§ 21, 49. 37 Me. 329.

Seventh. Respecting the erection of wooden buildings therein, or buildings the exterior of which shall be in part of wood, and defining their proportions and dimensions; and any building erected contrary to a by-law or ordinance adopted under this specification shall be deemed a nuisance and dealt with accordingly.

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Respecting  
erection of  
wooden build-  
ings.  
1860, c. 144, § 1.  
See c. 17, § 26.

Eighth. For the due regulation of omnibuses, stages, hackney coaches, wagons, carts, drays, hand-carts, and all other vehicles, used wholly or partly therein for business, pleasure, or the conveyance of passengers by horse power or otherwise, and by establishing the rates of fare, their 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, and penalties for their breach shall not exceed twenty dollars for one offence, to be recovered by complaint to the use of such city, town or corporation.

For regulation  
of omnibuses  
and fares.

Such by-laws  
to be publish-  
ed.

Ninth. For the effectual protection of persons against injury from the sliding of snow and ice from the roofs of buildings therein; but the authorities of such cities, towns and corporations shall notify the owners of the buildings of by-laws or ordinances adopted under this specification, and if they 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.

For the protec-  
tion of persons  
from the slid-  
ing of snow  
and ice from  
roofs.

Tenth. Any city may establish localities for, and regulate the sale of fresh meat and fish therein, and fix penalties for breach thereof.

Sale of fresh  
meat and fish  
in cities.  
1862, c. 79,  
§§ 1. 2.  
See c. 17, § 6.

#### TOWN LINES.

SEC. 41. The lines between towns shall be run once in every five years, except as mentioned in the two following sections. The municipal officers of the most ancient 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 the officers who neglect their duty in notifying or attending in person, or by substitutes, shall forfeit and pay ten dollars, two-thirds to the use of the town, which complies with its duty, and the other third to any two or more of said officers of the town complying, to be recovered at any time 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.

Perambula-  
tions, proceed-  
ings respect-  
ing them.  
R. S. c. 3, § 23.  
56 Me. 31-2.

SEC. 42. All towns, which, since the twenty-second day of March, eighteen hundred and twenty-eight, have perambulated, or hereafter perambulate their several lines as by law prescribed, and

Monuments  
may be erect-  
ed at angles.  
R. S. c. 3, § 29.

CHAP. 3. set up stone monuments, at least two feet high, at all the corners and several 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 are the boundaries of said lines, shall be exempted from the duty of perambulating said lines, except once in every ten years commencing in ten years from the time the stone monuments were so erected.

Disputed lines  
of towns, how  
settled.  
R. S. c. 3, § 30.  
53 Me. 325.

SEC. 43. When a town petitions the supreme judicial court, stating that a controversy exists between it and an adjoining one respecting a town line or lines, and praying that it may be run by commissioners appointed by the court, the court, after due notice to all parties concerned, may appoint three commissioners, who shall, after giving notice to all persons interested of the time and place of meeting, ascertain and determine the line or lines in dispute, and describe them by courses and distances, and make, set, and mention in their return, suitable monuments and mark for the permanent establishment of such lines, 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 line or lines, shall be deemed in every court of law and for every purpose the true dividing line or lines between such towns.

Compensa-  
tion, how  
made.  
R. S. c. 3, § 31.

SEC. 44. The court may allow the commissioners a proper compensation for their services, and issue a warrant of distress according to law for its collection of said towns in equal proportions.

#### PENALTY FOR NEGLECT OF DUTY.

Penalty for  
neglect of of-  
ficial duty.  
R. S. c. 3, § 32.  
37 Me. 88.

SEC. 45. Any town officer, who neglects to perform any duty lawfully required of him, shall forfeit not exceeding twenty dollars for every such neglect, for which no other penalty is provided by law, to be recovered in an action of debt in the name and to the use of the town by the treasurer thereof.\*

#### PLANTATIONS.

County com-  
missioners to  
return to secre-  
tary of state  
every five  
years, a de-  
scription of  
townships con-  
taining more  
than two hun-  
dred and fifty  
inhabitants.  
1862, c. 113,  
§§ 1, 2.  
1870, c. 121,  
§ 1.  
56 Me. 31.

SEC. 46. The county commissioners of the counties containing unincorporated townships, shall at the expiration of every period of five years from March, in the year of our Lord one thousand eight

\* As to penalty for misconduct of moderators, see § 23, chap. 4, § 14; of town clerks, § 17, chap. 4, § 14; of city, town and plantation officers for refusing to be sworn, §§ 16, 17, chap. 6, §§ 85, 86, 92; for using improper ballot boxes and improperly receiving votes, chap. 4, §§ 27, 55, 63; for illegal conduct relating to elections, chap. 4, §§ 51 to 72 inclusive; for refusing to assess taxes, chap. 6, §§ 79, 80, 81; for misapplication of certain fines, chap. 15, § 5; for refusing to prosecute persons for sale of intoxicating liquors, chap. 27, § 55; of town treasurers for willfully withholding deeds of land sold for taxes, chap. 6, § 172; of constables and collectors of taxes for refusing to give receipts, chap. 6, § 101; for neglecting to make exhibit to municipal officers once in two months, chap. 6, § 118; for neglecting to pay over money collected, chap. 6, § 120; of fence viewers, chap. 22, §§ 33, 40; of constables and captains of watch, chap. 25, § 9; of fire wards, chap. 26, § 6; of auctioneers, chap. 34, §§ 3, 4, 5.

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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 and fifty inhabitants, and make a suitable description and designation thereof, and return them to the secretary of state to be by him recorded.

SEC. 47. 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 is to 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 is to be returned to the meeting, and the above named officers shall be chosen and sworn.

Organization of such townships.  
R. S. c. 6, § 75.  
1862, c. 113, § 3.  
1870, c. 121, § 2.  
40 Me. 218.  
56 Me. 31.

SEC. 48. But any unincorporated or unorganized township containing any number of inhabitants may be organized as follows:

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

Organization of townships containing a less number of inhabitants.  
R. S. c. 4, § 70.  
R. S. c. 6, § 75.  
1870, c. 121, § 3.  
40 Me. 218.

SEC. 49. At the time and place appointed for meetings for the organization of plantations as provided in 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 till such moderator is chosen and by him 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 a vote of the meeting, and shall be duly sworn in the manner above named.

Proceedings at meeting for organization.  
R. S. c. 4, § 71.  
1870, c. 121, § 4.

SEC. 50. Upon the organization of a plantation, the clerk and assessors thereof shall transmit to the secretary of state, to be by him recorded, a certified copy of all the proceedings had in effecting such organization, including the petition for organization, if any, the warrant issued therefor and the return thereon, and the record of meeting

Certified copy of proceedings and description of the limits of the plantation, to be forwarded to secretary of

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state to be recorded.  
Plantations thus organized not required to pay state and county taxes unless specially ordered.  
Annual meeting.  
R. S. c. 4, § 78.  
1870, c. 121, § 6.  
See c. 6, §§ 86 to 92.

Return of the names of plantation officers to be made to secretary of state.  
1867, c. 103, §§ 1, 2.  
1870, c. 121, § 7.

—unless made, secretary of state not to forward blanks for election returns.

Exception.

Laws relating to town officers to apply to plantation officers, so far as applicable.  
1870, c. 121, § 8.

Assessors to perform the duties of selectmen.  
Treasurer, collector and constable to give bonds.  
R. S. c. 4, § 82.  
1870, c. 121, § 9.  
20 Me. 296.  
Valuation.

held in pursuance thereof, and also a written description of the limits of the plantation; and thereupon all the laws of the state applicable to organized plantations shall apply to plantations organized as herein provided; but plantations organized upon the application of three or more citizens thereof as above provided, shall not be required to pay state or county taxes unless by special order of the legislature. (a)

SEC. 51. All 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 highway surveyors shall be appointed in plantations wherein highway taxes are assessed.

SEC. 52. The 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 July annually, of the names of the assessors and clerks of their several plantations, and that the same have been duly sworn, and when any such return is not made by any such plantation, the secretary of state shall not furnish such plantation with blanks for election returns, and no votes purporting to be cast by any plantation neglecting to make such return, shall be counted or allowed by the governor and council. But when a plantation is organized after the first day of July of any year, such return is not required to be made by the clerk thereof during such 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 such organization be made at least sixty days prior to the second Monday in September.

SEC. 53. All laws relating to calling, notifying and conducting town meetings, 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 the same may be applicable thereto, unless when specially otherwise provided. Voters in plantations are liable to the same penalties for unlawful voting as voters in towns are. (b)

SEC. 54. The assessors of plantations shall be considered the selectmen thereof, for the purpose of performing such duties as the 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 purpose of assessment of taxes in plantations, as well as the assessment, collection and disposal thereof, shall be the same as in towns.

(a) R. S. c. 4, §§ 71, 72. 1859, c. 106, § 2. 1870, c. 121, § 5. 40 Me. 218.

(b) As to calling meetings and choice of officers. See §§ 2 to 24. As to penalties. See § 45, c. 4, §§ 51 to 72, c. 6, §§ 86 to 92, 103, 141. 56 Me. 31.



SEC. 55. The assessors who shall first be chosen in plantations organized under the provision of section forty-seven, 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 shall have power to examine and correct the same in such manner as shall make it conform to the last state valuation, and return a copy of such corrected valuation to the state treasurer, 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, shall have power to raise money by taxation for making and repairing ways in compliance with the provisions of chapter eighteen, sections thirty and seventy-eight. Such inventory and valuation in any plantation shall be so taken, corrected and returned to the treasurer of state whenever required by him.

SEC. 56. All plantations have power to raise and expend money for the support of schools, and making and repairing school-houses, as provided in chapter eleven, sections five, sixty-six, sixty-seven and sixty-eight; for support of the poor, as provided in chapter twenty-four, section thirty-seven; and also such sums as may be necessary to defray all legal plantation expenses.

SEC. 57. Organized plantations shall not be composed of more than one township, and when organized under the provisions of section forty-seven, former organizations cease to have any effect. (a)

SEC. 58. When towns are incorporated, the assessors thereof are required to return to the county commissioners of their county the original valuation first taken in their towns, on or before the fifteenth day of May next following their incorporation, said valuation to be examined, corrected, and a copy thereof returned to the state treasurer, and become the basis of state and county taxes in the same manner as the valuations of plantations, as provided in section forty-five.

SEC. 59. 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 state treasurer and become a basis for the assessment of state and county taxes, in the same manner as if the valua-

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The first assessors to return to the county commissioners an inventory of the polls and estates.

To be corrected and forwarded to state treasurer for basis of taxation.

1862, c. 113, § 4.  
1870, c. 121, § 10.  
20 Me. 296.

Power to raise and expend money.

1870, c. 121, §

11.

See c. 6, §§ 86

to 92.

20 Me. 296.

14 Me. 20.

52 Me. 598.

7 Me. 125, 132.

54 Me. 250.

Organized plantations not to be composed of more than one township.

First valuation of towns after incorporation to be forwarded to county commissioners, and copy sent to treasurer of state for basis of taxation.

1862, c. 113, § 5.

1870, c. 121, §

13.

If assessors neglect, the county commissioners to appoint assessors to make return of the valuation.

1863, c. 159, § 1.

1870, c. 121, §

14.

(a) 1859, c. 106, § 2. 1865, c. 320, § 1. 1870, c. 121, § 12.

CHAP. 4. tion had been taken by the assessors chosen by said town or plantation.

Such assessors to be paid by the county commissioners. 1862, c. 113, § 7. 1870, c. 121, § 15.

SEC. 60. The 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 are.

Plantations may be reorganized. 1870, c. 121, § 16.

SEC. 61. Plantations organized upon the application of three or more inhabitants thereof, may at any time be reorganized under the provisions of this chapter.

NOTE.—For provisions relating to elections in plantations, See c. 4, §§ 73 to 77. Schools, c. 11, §§ 5, 66, 67, 68. Highways, c. 18, §§ 80, 78.

## CHAPTER 4.

### ELECTIONS.

#### LISTS OF VOTERS.

- SEC. 1. Assessors to make lists of voters where the selectmen are not assessors.
2. Selectmen to prepare corrected lists by the eleventh of August, annually.
3. Special meetings to correct the lists. Notice to be given.
4. Lists to be deposited with town clerk and posted by the twentieth of August.
5. Names not to be added or stricken out, except as provided. Names may be added at regular session on evidence.
6. Duties of selectmen respecting papers of naturalization.
- 7, 8, 9. When selectmen shall meet to correct lists.
10. Notice of such meetings to be given in warrant for calling town meetings.
11. Lists of electors of town officers to be made by twentieth of February, annually.
12. Selectmen to be in session to correct lists.
13. Check list of voters to be kept for choice of town officers by the clerk or moderator.
14. Penalty if clerk or moderator neglect or refuse to use check list.
15. These provisions applicable to cities.
16. List of voters resident in wards, to be posted in cities having more than one thousand voters, and list of voters removing from one ward to another.

#### NOTIFYING MEETINGS, PROCEEDINGS AT ELECTIONS, AND RETURNS.

17. Meetings for general elections, how called.
18. When such meeting shall be opened.
19. Officers presiding empowered as moderators.
20. When selectmen pro tempore may be chosen.
21. Who shall preside at such choice.
22. Duties and powers of selectmen pro tempore.
23. What votes shall be offered on one list.