

MAINE STATE LEGISLATURE

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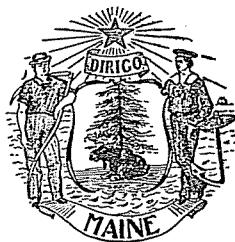
FIFTH REVISION.

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
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TITLE ONE.

The State : its sovereignty, divisions, domain, revenue; parts of its civil and military administrations.

- CHAP. I. Divisions of the state. Constitutional amendments. Statutes. Rules of construction. Standard time.
2. Sovereignty and Jurisdiction. Lands taken and ceded for military purposes. United States coast survey. Expenditure of appropriations. Seat of government. Organization of the legislature. Notice of petitions for legislation. Tenure of office and qualification of officers. Secretary of state. Treasurer of state and state bonds.
 3. The state library. The publication and distribution of public documents. Public printer. Public binder.
 4. Towns, their meetings, officers, powers and duties.
 5. The qualification and registration of voters.
 6. Elections.
 7. The public lands; their sale and settlement. Land agent. Location and care of lots for public uses. Forest commissioner and preservation of forests.
 8. The board of state assessors and the assessment of excise taxes.
 9. The assessment of taxes.
 10. The collection of taxes.
 11. Register of deeds.
 12. County treasurers.
 13. Indian tribes.
 14. The militia.

CHAPTER 1.

DIVISIONS OF THE STATE. CONSTITUTIONAL AMENDMENTS. STATUTES.

RULES OF CONSTRUCTION. STANDARD TIME.

SECTION I. The state is divided into counties, districts, towns and plantations.

SEC. 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. 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.

SEC. 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.

SEC. 5. 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 March four, eighteen hundred and seventy, does not revive any statute in force before the act or resolve took

Divisions into counties, towns and plantations.
R. S., c. 1, § 1.
72 Me., 432.
When constitutional amendments take effect.
R. S., c. 1, § 2.
Proclamation and publication thereof.
R. S., c. 1, § 3.

Secretary to give notice of approval of public acts.
R. S., c. 1, § 4.
See c. 2, § 51.
81 Me., 546.
Acts become effective in thirty days after recess.
R. S., c. 1, § 5.
21 Me., 60.
30 Me., 489.

CHAP. 1.

—construction of acts repealing other acts.

Rules of construction. R. S., c. 1, § 6.

Meaning of words and technical phrases.

Singular; plural; gender. 48 Me., 550. 72 Me., 428.

Majority may act.

Annual meeting. 62 Me., 517. 96 Me., 434. Grantor and grantee.

Highway. See c. 23, § 83; c. 24, § 1.

Inhabitant. 37 Me., 372.

Insane. 49 Me., 361. 53 Me., 207. 76 Me., 595.

Issue. 95 Me., 277.

Lands and real estate. See c. 8, § 85; c. 9, § 3.

Timber and grass. 1903, c. 232.

Month. See c. 15, § 35, ¶ 1.

—year.

Oath. 79 Me., 103.

Person. See c. 8, § 85.

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. (a)

SEC. 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. (b)

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.

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

IV. The words "annual meeting," 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. (d)

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; but in reference to idiotic or non compos persons this rule does not apply to chapter one hundred and forty-four.

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

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. (e)

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. (f)

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

XIV. The word "person" may include a body corporate. (g)

(a) 21 Me., 60; 23 Me., 237; 30 Me., 489; 45 Me., 73, 514; 49 Me., 533; 52 Me., 158; 61 Me., 24; 63 Me., 29, 30; 64 Me., 134, 435; 65 Me., 129; 68 Me., 396, 520, 527; 70 Me., 278; 71 Me., 404; 73 Me., 212; 75 Me., 444; 84 Me., 64; 88 Me., 227; 93 Me., 127; 95 Me., 315.

(b) 47 Me., 347; 49 Me., 525; 58 Me., 170, 328; 63 Me., 63; 64 Me., 129; 72 Me., 461; 75 Me., 116; 88 Me., 404.

(c) 39 Me., 223; 48 Me., 358-9, 406; 62 Me., 519; 63 Me., 265; 64 Me., 262; 77 Me., 129; 79 Me., 130.

(d) 18 Me., 412; 26 Me., 409; 34 Me., 12; 59 Me., 368, 452; 79 Me., 528.

(e) 69 Me., 347; 78 Me., 97; 85 Me., 331; 86 Me., 77, 131.

(f) 47 Me., 393; 64 Me., 332.

(g) 70 Me., 181; 95 Me., 448.

CHAP. 1.

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.

Preceding and following.

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.

Seal.
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.

Corporate seal.
1889, c. 163.

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.

United States.
—state.

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

Town.
See c. 23, § 105.

XX. 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.

Writing.
—signature.
56 Me., 392.
68 Me., 387, 387.

XXI. The word "will" includes a codicil.

Will.

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. (b)

Sworn, duly sworn, sworn according to law.

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. (c)

Agent's acts.

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. (d)

Disinterested, or indifferent.

XXV. The term "municipal officers" includes the mayor and aldermen of cities, the selectmen of towns, and the assessors of plantations. (e)

Municipal officers.

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.

State paper.
(Resolve of 1857, c. 1, § 7.)
See c. 81, § 7.)

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

Abstracts and notes.

XXVIII. Acts of incorporation shall be regarded in legal proceedings as public acts, and be in force on the date of their approval. All acts of incorporation granted since January one, 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.

Acts of incorporation.
1893, c. 226.
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 within two years from the day when its certificate of incorporation has been filed in the office of the secretary

Organization of corporations.
1897, c. 302.
See c. 49, §§ 123, 127; c. 51, § 7; c. 53, § 10.

(a) 56 Me., 31; 66 Me., 155; 71 Me., 142; 77 Me., 422; 82 Me., 194.

(b) 30 Me., 326; 41 Me., 226; 42 Me., 376; 58 Me., 532; 84 Me., 378.

(c) 48 Me., 554; 59 Me., 175; 68 Me., 92, 387; 95 Me., 554.

(d) 29 Me., 542; 30 Me., 156; 32 Me., 311; 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., 185.

(e) See c. 29, § 65; 56 Me., 31; 71 Me., 142; 74 Me., 369; 78 Me., 106.

CHAP. 2.

of state, unless such corporation shall have commenced actual business under its organization.

SEC. 7. When a person required to be sworn, is conscientiously scrupulous of taking an oath, he may affirm.

SEC. 8. All courts, and all state, county and town officers and their employees, in the transaction of their official business, and all contracts, unless it is otherwise provided therein, and all proceedings in law and equity, shall be governed by the eastern division of standard time.

Note. Definitions under Australian ballot law, c. 6, § 1; under collateral inheritance tax law, c. 8, § 85; under law relating to inland fisheries and game, c. 32, §§ 8, 16, 21 and 44; under insolvent law, c. 72, § 12; under laws relating to cruelty to animals, c. 125, § 56.

Definition of words "benevolent and charitable corporations" under tax law, c. 9, § 6, ¶ II; of word "academy," c. 15, § 82; of words "way" and "team," c. 24, § 1; of "intoxicating liquors," c. 29, § 40; of word "family" in pauper law, c. 27, § 9; of "public warehouseman," c. 33, § 8; of "itinerant vendors," c. 45, § 15; of "domestic" and "foreign" in insurance laws, c. 49, § 77; of "association" in insurance laws, c. 49, § 157; of "dwelling-house," c. 120, § 9; of "butter and cheese" under law relating to dairy products, c. 129, § 8; of words "felony" and "owner," c. 132, §§ 10, 11.

CHAPTER 2.

SOVEREIGNTY AND JURISDICTION. LANDS TAKEN AND CEDED FOR MILITARY PURPOSES. U. S. COAST SURVEY. EXPENDITURE OF APPROPRIATIONS. SEAT OF GOVERNMENT. ORGANIZATION OF THE LEGISLATURE. NOTICE OF PETITIONS FOR LEGISLATION. TENURE OF OFFICE AND QUALIFICATION OF OFFICERS. SECRETARY OF STATE. TREASURER OF STATE AND STATE BONDS.

SOVEREIGNTY AND JURISDICTION. LANDS TAKEN AND CEDED FOR MILITARY PURPOSES. U. S. COAST SURVEY.

SEC. 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.

SEC. 2. The state flag is hereby declared to be buff, charged with the emblem of the state, a pine tree proper, in the center, and the polar star, a mullet of five points, in blue in the upper corner; the star to be equidistant from the hoist and the upper border of the flag, the distance from the two borders to the center of the star being equal to about one-fourth of the hoist, this distance and the size of the star being proportionate to the size of the flag.

SEC. 3. 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. 4. 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. 5. 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-three.

Affirmations.
R. S., c. 1, § 7.
78 Me., 488.
79 Me., 103.

Eastern standard time established.
1887, c. 29.

Sovereignty and jurisdiction.
R. S., c. 2, § 1.
76 Me., 331.

State flag established.
1901, c. 233.

State processes executed in places ceded.
R. S., c. 2, § 2.

Governor may cede to United States.
R. S., c. 2, § 3.

Compensation to owner.
R. S., c. 2, § 4.
See c. 23, §§ 4-8.