

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.



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CHAPTER 80.

COUNTY COMMISSIONERS.

THEIR ELECTION AND TENURE OF OFFICE.

SEC. 1. There shall be a board of commissioners for each county, consisting of a chairman and two other citizens resident in the county, elected, or, in case of a vacancy, appointed by the governor, with the advice and consent of the council. The chairman shall be designated by them at their first meeting on or after the first day of January annually, to act for one year.

Board shall consist of chairman and two other resident citizens.
R. S., c. 78, § 1.

SEC. 2. Vacancies to occur by expiration of the term of office at the end of any year in which a biennial election is held, shall be filled by election on the second Monday of September, in such year. If but one is elected, he shall hold the office for six years; if two, the one having the highest number of votes, shall hold for six years, and the next highest for four years; if three, two shall hold as last provided, and the other for two years. If two have an equal number of votes, the governor, with the advice and consent of the council, shall designate who shall hold for the longer and who for the shorter term.

Vacancies, how filled.
R. S., c. 78, § 2.

—full term of election, six years.

SEC. 3. When no choice is effected, or a vacancy happens by death, resignation or removal from the county, or at the expiration of any present term of office at the end of any year in which no biennial election is held, the governor, with the advice and consent of the council, shall appoint a person to fill the vacancy, who shall hold office until the first day of January after another has been chosen to fill the place.

Vacancies happening otherwise, filled by appointment.
R. S., c. 78, § 3.
60 Me., 609.
61 Me., 603.

SEC. 4. County commissioners shall be elected on the second Monday of September, in the year eighteen hundred and eighty and every two years thence following, by the written votes of electors qualified to vote for representatives. The votes shall be received, sorted, counted and declared, as votes for representatives are; the names of the persons voted for, the number of votes for each, and the whole number of ballots received, shall be recorded by the clerk in the town records, and true copies thereof, sealed and attested as returns of votes for senators, shall be transmitted to the secretary of state within thirty days.

Mode of election.
R. S., c. 78, § 4.
64 Me., 592, 594.
See c. 6, §§ 51, 54, 59.

THEIR REGULAR SESSIONS AND CLERK.

SEC. 5. They shall hold annual sessions in the shire town of each county at the times following:

Regular sessions, times and places.
R. S., c. 78, § 6.
—Androscoggin.

In the county of Androscoggin, on the first Tuesdays of April and October:—

Aroostook, on the first Tuesdays of January, March, May, July, September and November:—

—Aroostook.
1903, c. 153.

Cumberland, terms of record on the first Tuesdays of January and June, and regular sessions on the first Tuesday of each month:—

—Cumberland.
78 Me., 102.

Franklin, on the last Tuesdays of April and December:—

—Franklin.

Hancock, on the third Tuesday of January, and the second Tuesdays of April and October:—

—Hancock.
1897, c. 183.

Kennebec, on the third Tuesdays of April, August and December:—

—Kennebec.

Knox, on the first Tuesdays of April and December, and the third Tuesday of August:—

—Knox.

CHAP. 80.

—Lincoln.
1897, c. 228.
—Oxford.

—Penobscot.
—Piscata-
quis.
—Sagadahoc.
—Somerset.

—Waldo.

—Washing-
ton.
1899, c. 12.

—York.
1889, c. 198.

Clerk of
courts to be
clerk of the
commission-
ers; when he
may appoint
clerk pro
tem: his oath
and duty.
R. S., c. 78, § 7.
67 Me., 436.

Quorum.
R. S., c. 78, § 8.
83 Me., 117.

—adjourn-
ment.

County com-
missioner not
eligible to
be mayor,
assessor or
selectman.
1903, c. 121.

Officers to
execute
precepts.
R. S., c. 78, § 9.

Duties of
county com-
missioners.
R. S., c. 78, § 10.

See c. 23;
c. 113, § 7.

Shall provide
and keep in
repair court-
houses, jails
and fire-
proof rooms
for records
and papers
of county
officers.
R. S., c. 78, § 11.
1899, c. 101.

May provide
workshops,
etc. for

Lincoln, on the second Tuesday of May, the first Tuesday of September, and the last Monday of December:—

Oxford, on the second Tuesday of May, the first Tuesday of September, and the last Tuesday of December, at Paris:—

Penobscot, on the first Tuesdays of January, April, July and October:—

Piscataquis, on the first Tuesdays of April, August and December:—

Sagadahoc, on the first Tuesdays of March, July and November:—

Somerset, on the first Tuesdays of March and August, and the second Tuesday of December:—

Waldo, on the second Tuesday of April, and the third Tuesdays of August and December:—

Washington, at Machias, on the second Tuesdays of January and October, and at Calais, on the fourth Tuesday of April:—

York, terms of record on the first Tuesdays of April and October, at Alfred, and regular sessions on the first Tuesday of each month, where the probate court for the county of York, for the same month, shall be held.

SEC. 6. The clerk of the judicial courts in each county is clerk of the commissioners; and when the supreme judicial court and the commissioners are in session at the same time, he may appoint a clerk pro tempore to the commissioners, for whose doings he is responsible. Such clerk shall be sworn, and make a daily record of their doings, and they shall examine it, and when correct certify it, and it shall be copied into their records by the stated clerk.

THEIR POWERS AND DUTIES.

SEC. 7. Two commissioners constitute a quorum; when only one attends, he may adjourn to a convenient time and place; when neither attends, the clerk may adjourn as provided in section fifty-four of chapter seventy-nine.

SEC. 8. No person holding the office of county commissioner shall, on and after April one, nineteen hundred and four, at the same time hold either the office of mayor or assessor of a city, or of selectman or assessor of a town.

SEC. 9. Sheriffs and their deputies, coroners and constables, shall execute all legal processes directed to them by the commissioners.

SEC. 10. They shall make the county estimates and cause the taxes to be assessed; examine, allow and settle accounts of the receipts and expenditures of the moneys of the county; represent it; have the care of its property and management of its business; by an order recorded, appoint an agent to convey its real estate; lay out, alter or discontinue ways, and perform all other legal duties. (a)

SEC. 11. They shall, in the shire town of their county, provide and keep in repair, court-houses, with a suitable room in each for the county law library; jails, with apartments for debtors separate from criminals; and fire-proof buildings of brick or stone for the safe keeping of records and papers belonging to the offices of registers of deeds, and of probate and insolvency, and of the clerk of courts, with separate fire-proof rooms, and suitable alcoves, cases or boxes for each office, and also any other necessary buildings.

SEC. 12. They may make such additions in workshops, fences and other suitable accommodations, in, adjoining or appurtenant to the jails in the

(a) 53 Me., 218; 60 Me., 363; 69 Me., 364, 375; 90 Me., 88.

CHAP. 80.

several counties as may be found necessary for the safe keeping, governing and employing of offenders committed thereto by authority of the state or of the United States. They may raise by loan to their several counties, or otherwise, a sum not exceeding five thousand dollars, to make such alterations and improvements, and may expend so much thereof as is necessary.

SEC. 13. They shall, at the expense of their several counties, unless county workshops are therein established, provide some suitable place, materials and implements for the breaking of stone into suitable condition for the building and repair of highways, and shall cause all persons sentenced under the provisions of section twenty-six of chapter one hundred and twenty-nine, to labor at breaking stone. And they may, at the expense of their several counties, provide suitable materials and implements sufficient to keep at work all persons committed to either of such jails, and may from time to time establish needful rules for employing, reforming and governing the persons so committed, for preserving such materials and implements, and for keeping and settling all accounts of the cost of procuring the same, and of all labor performed by each of the persons so committed, and may make all necessary contracts in behalf of their several counties.

SEC. 14. They shall not remove a county building in the shire town, or erect a new one instead of it more than half a mile from the former location, without first giving notice of their intentions and of the place where they propose to locate it, to the municipal officers of each town in the county; who shall present the same to the town at its next annual meeting for choice of state or town officers, and receive, sort and count the votes, for and against the proposal; and they and the clerks shall certify and return such votes to the clerk of said commissioners, who shall examine them and act according to the decision of a majority.

SEC. 15. At the commencement of each session required by law, they shall examine the prison, take necessary precaution for the security of prisoners, for the prevention of infection and sickness, and for their accommodation; and may authorize the employment for the benefit of the county, of prisoners committed for crime, in some suitable manner not inconsistent with their security and the discipline of the prison.

SEC. 16. They may obtain loans of money for the use of their county, and cause notes or obligations, with coupons for lawful interest, to be issued for payment thereof at such times as they deem expedient; but such loans shall not exceed ten thousand dollars, without first obtaining the consent of the county, substantially as provided in section fourteen.

SEC. 17. The county commissioners of Cumberland county may, without obtaining the consent of the county, raise by temporary loan, to be paid within one year from the time when the same is contracted, a sum not exceeding fifty thousand dollars in any year for use of said county and cause notes or obligations of said county, with coupons for lawful interest, to be issued for payment thereof, as aforesaid.

SEC. 18. Warrants of distress, on judgments legally rendered by the county commissioners, may be originally issued within two years after judgment, and made returnable to the clerk's office within ninety days from their date. New warrants may be issued, within two years from the return day of the last preceding warrant, for sums remaining unsatisfied. No warrant shall be originally issued against a town until twenty days after a certificate of rendition of the judgment is transmitted by their clerk to the assessors of such town. Interest on the damages shall be included and collected by such warrants as in executions.

prisoners.
R. S., c. 78, § 12.

—may raise money to make alterations in jails.

Shall provide suitable place, material and implements for employment of prisoners.
R. S., c. 78, § 13.
1889, c. 288, § 1.

—may establish rules.
See c. 141, § 42.

—make contracts.

Shall notify towns of intention to remove site of county buildings; and towns shall decide by vote thereon.
R. S., c. 78, § 14.
87 Me., 88.

Shall examine jails at each session, and may authorize employment of prisoners.
R. S., c. 78, § 15.
See c. 141, § 12.

Their power to obtain loans, restricted.
R. S., c. 78, § 17.
1889, c. 302, § 1.
87 Me., 88.

County commissioners of Cumberland authorized to raise temporary loan.
1889, c. 302, § 2.
1893, c. 255.

Warrants of distress, when and how to be issued on judgments of the board.
R. S., c. 78, § 18.
64 Me., 331.
83 Me., 115.
93 Me., 131.

CHAP. 80.

Action of
debt thereon.
R. S., c. 78, §19.

Not to be
agent to ex-
pend money.
R. S., c. 78, §20.

Annual
financial
report shall
be published.
R. S., c. 78, §24.
1885, c. 381.

Compensation.

1901, c. 261.
1887, c. 38.
1903, c. 3.
R. S., c. 78, §21.
1887, c. 141.

1901, c. 199.
1889, c. 203.
1885, c. 375.
1885, c. 330.
1889, c. 183.
1903, c. 20.
1903, c. 120.
1902, c. 155.
1885, c. 371.

Cumber-
land.
1887, c. 194.

York.
1899, c. 24, § 1.

Accounts of
services, how
kept and set-
tled; copy to
be published
in newspaper,

SEC. 19. A party, for whose benefit a judgment is rendered by them, may recover the amount in an action of debt founded on such judgment. (a)

SEC. 20. No commissioner shall be appointed to expend money assessed or raised for any purpose by the board of which he is a member.

SEC. 21. At the end of each year, the commissioners of each county shall make a statement of its financial condition, showing in detail, all moneys received into and paid out of its treasury, and such other facts and statistics, as may be necessary to exhibit the true state of its finances; and publish in pamphlet form, a reasonable number of copies for distribution among the citizens thereof.

SEC. 22. The compensation of the county commissioners for the several counties shall be as follows:

Each commissioner of the counties of Androscoggin, Aroostook and Oxford shall receive three dollars a day, of the county of Lincoln, two dollars a day, of the county of Sagadahoc two dollars and fifty cents a day, while actually employed in the service of the county, including time spent in travel, for which every commissioner shall have eight cents a mile for the distance actually traveled.

Each commissioner of the counties of Franklin, Knox, Penobscot, Piscataquis, Somerset, Waldo and Washington, shall receive two dollars and fifty cents a day, of the county of Kennebec, three dollars a day, of the county of Hancock, three dollars and fifty cents a day, while actually employed in the service of the county, including the time spent in traveling, for which every commissioner shall have ten cents a mile for the distance actually traveled.

But no commissioner shall have more than one travel during the same hearing or session, or for more than two adjournments of any regular term; nor for service or travel on more than one petition or case at the same time; nor anything for travel or attendance at the legislature connected with the annual county estimates; nor for any additional trouble or expense.

The chairman of the county commissioners of the county of Cumberland shall receive the sum of ten hundred and fifty dollars and each of the other commissioners shall receive the sum of nine hundred and fifty dollars annually, payable from the county treasury, in quarterly payments, on the first days of April, July, October and January, in full for all services, expenses and travel, including the management of the jail workshop and the sale of its products, except actual necessary cash expenses incurred outside of the county for the transaction of official business; all bills for such expenses shall be approved by the clerk of courts and county attorney of said county; at least a majority of said board shall be in attendance at their office in Portland on all secular days except when official business calls them elsewhere.

Each commissioner of the county of York shall receive six hundred dollars annually, payable in quarterly payments on the last days of March, June, September and December, which shall be in full for all services, expenses and travel.

SEC. 23. Each commissioner, except in the counties of Cumberland and York, shall keep an accurate account of his time and travel, specifying the kind of service performed each day or part of a day, and the places from and to which he traveled each day, and he shall not be allowed for

(a) 37 Me., 36; 53 Me., 218.

CHAP. 81.

services not so specified. His account shall be audited and examined by the county attorney and clerk, to the truth of which he shall be sworn before one of them; they shall certify the amount allowed, and no further sum shall be paid. The clerk shall cause a copy of such account to be published in a newspaper printed in the county, if any, and return such printed copy to the secretary of state by the first day of January in each year.

SEC. 24. If a commissioner charges in his account any miles not actually traveled, or time not spent, he forfeits ten dollars for every such charge, to be recovered in an action of debt in the name of the county, half to the complainant and half to the county.

and returned to secretary of state.
R. S., c. 78, § 22.

Penalty for over-charging, and how collected.
R. S., c. 78, § 23.

CHAPTER 81.

CLERKS OF COURTS. COUNTY ATTORNEYS AND ATTORNEYS AT LAW.

CLERKS OF THE JUDICIAL COURTS.

SEC. 1. Clerks of the judicial courts, shall be elected and notified, their elections determined and vacancies filled in the same manner, and they shall enter upon the discharge of their duties at the same time as is provided respecting county commissioners, but they shall hold their offices for four years.

SEC. 2. Before entering upon the discharge of official duty, each clerk shall give a bond to the state, to be lodged in the office of its treasurer, approved by the governor and council, in the sum of eight thousand dollars, with two or more sureties, conditioned that he will faithfully perform all the duties of his office, pay over all moneys, and safely keep and immediately deliver all records, files, papers, muniments in said office and property of the county, as required by law.

SEC. 3. He shall keep a true and exact account of all moneys which he receives, or is entitled to receive, for services by virtue of his office, and on the first Wednesday of each January, and at such other times as may be required by law, render to the county treasurer under oath, a true account thereof, specifying the items, and after deducting his salary and the amount allowed him for clerk hire, pay the residue, if any, to said treasurer for use of the county; but all other moneys belonging to the county shall be paid in thirty days after they are received by him; and if, in either case he neglects to do so, he shall pay twenty-five per cent interest thereon until paid; and the county treasurer shall notify the treasurer of state of any such known delinquency, and the clerk's bond shall then be sued.

SEC. 4. He shall receive all fines, forfeitures and bills of costs, imposed or accruing to the use of the state, when paid or tendered to him before a precept is issued to enforce collection; give discharges therefor and enter them of record.

SEC. 5. He shall furnish to the attorney general full copies of all cases described in section forty-six of chapter seventy-nine, in which the state is a party, thirty days before the session of the law court for that district. When the papers in such cases are not filed more than thirty days before such session, they shall be furnished immediately after they are filed.

Clerks, how elected.
—vacancies.
R. S., c. 79, § 1.
See c. 6, § 59;
c. 80, §§ 1-4.
—term.

Bond.
See Const.
Me., Art. ix.,
§ 1.
R. S., c. 79, § 2.
60 Me., 429.

To account for moneys received and pay balance to county treasurer; other moneys to be paid in thirty days, or bond sued.
R. S., c. 79, § 3.
See c. 116, § 5.

Receive and discharge fines and costs voluntarily paid.
R. S., c. 79, § 4.

Copies of law cases in which state is a party, to be furnished.
R. S., c. 79, § 5.