

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SIXTH REVISION

THE
REVISED STATUTES

OF THE

STATE OF MAINE

PASSED SEPTEMBER 29, 1916, AND TAKING
EFFECT JANUARY 1, 1917



By the Authority of the Legislature

AUGUSTA
KENNEBEC JOURNAL PRINT
1916

CHAPTER 4.

Towns, Their Meetings, Officers, Powers and Duties.

Sections 1-37	Town Meetings. Town Officers.
Sections 38-41	Wards of Cities. Election of City Officers.
Sections 42-47	Duties of Municipal Officers.
Sections 48-50	Preservation of Records.
Sections 51-53	Burial of Discharged Soldiers and Sailors.
Section 54	Armories.
Sections 55-56	Street Coasting Restricted.
Sections 57-73	Authority to Raise and Hold Money in Trust.
Sections 74-83	Free Public Libraries.
Sections 84-93	Public Parks and Squares.
Sections 94-96	Street Sprinkling.
Section 97	Disorganized Towns.
Section 98	Town, Village and City By-Laws and Ordinances.
Sections 99-100	Police Officers.
Sections 101-120	Registration and Licensing of Dogs.
Sections 121-125	Wharves and Fish Weirs.
Sections 126-133	Harbor Masters.
Sections 134-136	Town Lines.
Sections 137-152	Plantations.

Town Meetings. Town Officers.

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

3 Me. 371; 13 Me. 80; 14 Me. 377; 20 Me. 46, 246; 54 Me. 250; 63 Me. 240; 105 Me. 372.

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

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

Sec. 4. Selectmen refusing, meeting how called; ten voters may have articles inserted in warrant. R. S. c. 4, § 4. If the selectmen unreasonably refuse to call a town meeting, any ten or more legal voters therein may apply to a justice of the peace in the county, who may issue his warrant for

CHAP. 4

calling such meeting. When ten or more voters in writing request the selectmen to insert a particular thing in a warrant, they shall insert it in the next warrant issued, or shall call a special meeting for the consideration thereof.

53 Me. 390; 66 Me. 590.

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

3 Me. 310; 10 Me. 322; 12 Me. 489; 13 Me. 472; 17 Me. 102; 19 Me. 189; 57 Me. 305; 60 Me. 573; 63 Me. 240; 65 Me. 352; 68 Me. 85.

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

65 Me. 352.

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

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

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

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

112 Me. 451.

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

See c. 10, § 36; c. 11, § 31; 7 Me. 429; 12 Me. 490; 13 Me. 472; 17 Me. 447; 25 Me. 563; 26 Me. 179; 29 Me. 526; 34 Me. 578; 48 Me. 356; 49 Me. 351; 51 Me. 30; 55 Me. 195; 56 Me. 392, 395; 65 Me. 25, 352; 66 Me. 587; 85 Me. 301; 89 Me. 320; 94 Me. 355; 102 Me. 418; 108 Me. 126; 110 Me. 514.

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

Sec. 12. Annual meetings; auditor may be chosen; treasurers and collectors not to be selectmen or assessors; may be same person. R. S. c. 4, § 12. 1913, c. 146. Annual town meetings shall be held in March, and the voters shall then choose, by a major vote, a clerk, three, five or seven inhabitants of the town to be selectmen and overseers of the poor, when other overseers are not chosen, three or more assessors, two or more fence viewers, treasurer, surveyors of lumber, sealers of leather, measurers of wood and bark, constables, collectors of taxes and other usual town officers; and if one-third of the voters present are in favor thereof, they shall choose, by a major vote, one auditor of accounts, all of whom shall be sworn. In towns of over four thousand inhabitants the candidates receiving the greatest number of votes for any of the above mentioned offices shall be deemed elected to such office. Treasurers and collectors of towns shall not be selectmen or assessors, until they have completed their duties as treasurers and collectors and had a final settlement with the town. The treasurer and collector of taxes of cities and towns, may be one and the same person.

Election of park commissions, § 84; of superintending school committee, c. 16, § 32; of overseers of the poor, c. 29, § 11; of fish warden, c. 33, § 11; compensation of selectmen and assessors, c. 10, § 90. See § 30, also c. 10, §§ 91, 92; c. 11, § 57; c. 30, § 6; 17 Me. 447; 48 Me. 357, 444; 62 Me. 111, 517; 63 Me. 154; 70 Me. 562, 565; 77 Me. 417; 81 Me. 188; 83 Me. 220; 96 Me. 485; 98 Me. 156; 104 Me. 258.

Sec. 13. Elections for three years. 1905, c. 170. Any town electing three selectmen, three overseers of the poor and three assessors, may, if the electors present vote so to do, elect one member of each board to hold office for one year, one for two years, and one for three years, and at each annual meeting thereafter one member of each of the said boards shall be elected for a term of three years; towns electing more than three selectmen, three overseers of the poor and three assessors, may by vote determine how many of each of said boards shall be elected annually and the tenure of their office.

See § 98, ¶ xi.

Sec. 14. Officers chosen by ballot. R. S. c. 4, § 14. 1913, c. 213, § 2. 1915, c. 221. Moderator, town clerk, selectmen, assessors and overseers of the poor, treasurer, auditor, and school committee shall be elected by ballot, and the other said officers by ballot, or if not so elected, they shall be appointed by the selectmen.

78 Me. 568; 96 Me. 485; 104 Me. 258.

Sec. 15. Vacancy in office of auditor filled by appointment. 1913, c. 92. When by reason of the non-acceptance, death, removal, insanity or other incompetency of a person elected to the office of town auditor, there is a vacancy in said office, the selectmen may appoint a person to fill said office, who shall perform all the duties of said office until an auditor is elected by the town at its next annual meeting. The person so appointed, shall be duly sworn.

CHAP. 4

Sec. 16. Appointment of road commissioner; removal; application of section. R. S. c. 4, § 13. 1907, c. 79. 1909, c. 200. 1913, c. 66. 1913, c. 213, §§ 1, 4. The selectmen of each town shall annually choose by written appointment a road commissioner who shall be sworn and shall hold his office until the first Monday of April in the year following; provided, however, that selectmen may so choose such commissioner for a longer term, not exceeding three years. Any town may, at its option, vote to have not more than three road commissioners whose appointment, powers and duties shall be the same as prescribed for a single commissioner. Any road commissioner may be removed from office by the selectmen for incompetency or neglect to perform his official duties. Selectmen may act as road commissioners. This section shall not apply to road commissioners chosen prior to the twelfth day of July, nineteen hundred and thirteen, nor abridge their term of office, but shall apply to their successors in office; nor shall this section apply to cities or towns which choose road commissioners under special acts of the legislature.

Sec. 17. Vacancies. R. S. c. 4, § 15. 1909, c. 261. 1913, c. 213, § 3. If a person appointed as road commissioner fails to qualify within seven days after appointment, the office shall be deemed vacant, and shall be filled by the selectmen by appointment; and in the event of a vacancy caused by death or otherwise, the selectmen shall appoint some competent person to fill out the unexpired term, who shall qualify and perform the duties of said office. If after the choice of any officer not required to be chosen by ballot, there is a vacancy in any such office, the municipal officers may fill such vacancies by the written appointment of proper persons, who shall be summoned by the constable to appear and take the oath of office provided in section twenty-seven subject to the penalties provided in section twenty-eight. Such appointment and oath shall be recorded as in case of a choice by the town. No person shall be so appointed without his consent.

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

Sec. 18. Presiding officer in meeting. R. S. c. 4, § 16. During the election of moderator the clerk shall preside; when he is absent from any such meeting, either of the selectmen or of the assessors, and if neither of those is present, any constable may do all the duties of clerk in receiving and counting the votes for moderator. The moderator may call on the voters to give in their ballots for a clerk pro tempore, who shall be sworn by the moderator, or by a justice of the peace.

¹⁷ Me. 447.

Sec. 19. Clerk to be sworn; form of oath. R. S. c. 4, § 17. 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.

⁵⁴ Me. 518, 532.

Sec. 20. Deputy town clerks how appointed; their duties; municipal officers may appoint deputy clerk, in certain cases; tenure of office; form of

appointment; deputy clerk to be sworn; appointment of woman as deputy. R. S. c. 4, § 18. The clerk of any town may appoint a citizen thereof his deputy, who may, in the clerk's absence, perform all the duties of said office with the same effect as if done by the clerk; the appointment may be made in writing as follows:

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

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

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

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

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

See c. 96, § 2; 70 Me. 564.

Sec. 21. Treasurer shall give bond; amount; office of treasurer vacant if bond is not filed seasonably; vacancy; approval of bond and record; municipal officers may accept bond of a surety company, at expense of town. R. S. c. 4, § 19. The treasurer before entering upon the discharge of his official duties, shall give bond to the inhabitants of his town with such sureties and for such sum as shall be designated by the municipal officers, not exceeding, however, twice the amount of the taxes to be collected during the year for which he is treasurer, conditioned for the faithful discharge of all the duties and obligations of his office. If such bond is not furnished and delivered to the municipal officers, within ten days after written demand by the municipal officers on the treasurer therefor, the office of treasurer shall be deemed vacant, and the town or plantation, at any meeting of its inhabitants legally called, may elect a treasurer to fill the vacancy, or the municipal officers may fill the vacancy by written appointment which shall be recorded by the clerk in the town records. The municipal officers shall be the sole judges of the sufficiency of such bond and sureties. Such bond, after its approval and acceptance by the municipal officers, shall be recorded by the clerk, and such record shall be prima facie evidence of the contents of such bond, but a failure to so record shall be no defense in any action upon such bond. The municipal officers may accept any surety company authorized to do business in the state, as surety on such bond, and dispense with any further surety or sureties thereon. Any town or plantation may law-

CHAP. 4

fully vote, at its annual meeting, to raise money to be expended by its treasurer, under the direction of the municipal officers, for the purpose of purchasing from any surety company authorized to do business as aforesaid, the bond required by this section.

69 Me. 369.

Sec. 22. Deputy town treasurers, appointment. R. S. c. 4, § 20. The treasurer of any town or plantation may appoint a citizen thereof as his deputy during his temporary absence or other temporary disability. The appointment shall be in writing and be recorded. It may be in the form following:

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

Sec. 23. Treasurer responsible. R. S. c. 4, § 21. The treasurer and the sureties upon his official bond, are responsible for all acts and omissions of his deputy in such office.

Sec. 24. Treasurer to render account quarterly. R. S. c. 4, § 22. Every treasurer shall render an account of the finances of his town, and exhibit all books and accounts pertaining to his office, to the municipal officers thereof, or to any committee appointed by it to examine said accounts, when required; and such officers shall examine such treasurer's accounts as often as once in three months.

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

Sec. 25. In case of vacancy, municipal officers may appoint treasurer. R. S. c. 4, § 23. In case of death, resignation, removal or other permanent disability of a treasurer of a town or plantation, the municipal officers may appoint a citizen thereof to be treasurer until his successor is elected and qualified. Such appointment shall be in writing and be recorded. It may be in the form following:

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

Sec. 26. Treasurer so appointed, to be sworn and give bond. R. S. c. 4, § 24. Before such appointee enters upon his official duties he shall be sworn, and give bond to the town for the faithful performance thereof in such sum and with such sureties as the municipal officers order.

Sec. 27. Officers chosen, summoned to take their oath. R. S. c. 4, § 25. The town clerk or any two selectmen shall forthwith make a list of the names of all persons chosen into office, of whom an oath is required, and deliver it to a constable with a warrant to him directed; and he shall, within three days thereafter, summon each person therein named to appear before the town clerk, within seven days from the time of notice, to take such oath of office; and at the end of ten days after receiving his warrant, the constable shall return it or forfeit six dollars to the town; and the town shall allow him a reasonable compensation for his services.

Sec. 28. Penalty for refusing a town office. R. S. c. 4, § 26. Every person so notified, neglecting to take such oath within said seven days, except officers for whose neglect a different penalty is provided, forfeits five dollars, two-thirds to the town, and one-third to the prosecutor.

See c. 10, § 100; c. 30, § 6; 1 Me. 248.

Sec. 29. Town or parish officer, how sworn; record; clerk may record his own election; penalty for neglect. R. S. c. 4, § 27. Any town or parish officer may be sworn by the moderator in open town meeting, town or parish clerk, or by any person authorized by law, who shall give to the officer sworn, except when sworn in presence of such clerk, a certificate of the oath administered, which he shall return to such clerk to be filed. In either case the clerk shall record the name of the officer and of his office, by whom sworn, and the time of taking the oath and returning the certificate. Any town, school district, parish or corporation clerk elected to any office and sworn, may record his own election, the fact that he was sworn, and when and by whom. The record herein required shall be sufficient evidence that such officer was sworn. If any officer fails to return such certificates or any clerk to record such oath within ten days, he forfeits five dollars.

See c. 118, § 20; 12 Me. 234; 17 Me. 444; 48 Me. 443; 58 Me. 518; 79 Me. 472; 84 Me. 378; 109 Me. 474.

Sec. 30. Vacancies. R. S. c. 4, § 28. 1911, c. 51. When by reason of non-acceptance, death, removal, insanity or other incompetency of a person chosen to a town office, except the office of auditor and of road commissioner, there is a vacancy, or want of officers, the town may choose new officers; and they shall be sworn, if an oath is required, and have the same powers as if elected at the annual meeting. The meeting for choice of such new officers may be called by the person or persons legally elected and qualified as selectman or selectmen although less than a full board.

See § 12; c. 10, §§ 90, 92, 101-107; c. 11, §§ 36, 38, 57; c. 19, § 93; 1 Me. 248; 96 Me. 485.

Sec. 31. Reports by sworn officers not to be verified. 1913, c. 14. Town or municipal officers, who have been duly sworn to the faithful performance of their duty, shall not be required to make oath or affirm to any report, account or statement to be filed with any of the state departments.

Sec. 32. Penalty for neglect of official duty. R. S. c. 4, § 112. Every town officer, who neglects any duty lawfully required of him, forfeits not exceeding twenty dollars for every such neglect, when no other penalty is provided, to be recovered in an action of debt in the name and to the use of the town, by the treasurer thereof.

37 Me. 90.

Note. Penalty for misconduct of moderators, see § 37; c. 5, § 46; of town clerks, § 29; c. 5, § 46.

Penalties imposed upon municipal officers and town clerks for neglect of duties as to selection of jurors, c. 111, §§ 17-21; municipal officers and constables for neglect of duties as to mobs, c. 125, § 12; constables for not returning warrant to notify officers of election, § 27; for neglect of duties as to selection of jurors, c. 111, § 18; city officers for neglect as to registration of voters, c. 5, § 29.

City, town and plantation officers for refusing to allow access to town books or reports, § 45; for neglect of duty as to registration of dogs, § 114; for improper use of sinking fund, § 61; for neglecting to attend perambulation of town lines, § 134; for refusing to be sworn, § 28; c. 10, §§ 100, 101, 107; c. 46, § 23; c. 48, § 12; for using improper ballot boxes and improperly receiving votes, c. 7, §§ 34, 105, 115; for illegal conduct relating to elections, c. 7, §§ 95, 99 to 123 both inclusive; for refusing to assess taxes, c. 10, §§ 94, 95, 96; for misapplication of certain fines, c. 21, § 4; for refusing to prosecute persons for sale of intoxicating liquors, c. 127, § 45; for not appointing sealer of weights and measures, c. 48, § 8.

Town treasurers for wilfully withholding deeds of lands sold for taxes, c. 11, § 81; for neglect of duties as to weights and measures, c. 48, § 9.

Constables and collectors of taxes, for refusing to give receipts, c. 11, § 16; for neglecting to make exhibit to municipal officers once in two months, c. 11, § 35; for neglecting to pay over money collected, c. 11, § 37.

Fence viewers, c. 28, §§ 15, 17; fire wards, c. 30, § 6; auctioneers, c. 41, §§ 3, 4, 5.

Municipal officers and fire engineers for neglect of duty as to protection against fires, c. 30, § 44; for neglect to report or investigate fires, c. 30, § 57.

Road commissioner for neglect of duty, c. 24, § 75.

CHAP. 4

Sec. 33. Moderator to be first chosen; his duties. R. S. c. 4, § 29. At every town meeting a moderator shall be first chosen and sworn by a justice of the peace, or by the person presiding at the meeting when he is chosen. Said moderator shall regulate the business of the meeting; and when a vote declared by him is, immediately after such declaration, questioned by seven or more, he shall make it certain by polling the voters, or in such other way as the meeting directs.

48 Me. 444; 56 Me. 390.

Sec. 34. Moderator to be obeyed. R. S. c. 4, § 30. No person shall speak in meeting before leave is obtained of the moderator, nor when any other person is speaking; and all shall be silent at the command of the moderator, or forfeit to the town one dollar for every breach of such order.

Sec. 35. His powers. R. S. c. 4, § 31. If any person, after notice from the moderator, persists in disorderly conduct, the moderator may direct him to withdraw from the meeting; and by his refusal he forfeits three dollars to the town; and the moderator may cause him to be removed from the meeting by a constable, and detained in confinement for three hours, unless the meeting is sooner dissolved or adjourned.

Sec. 36. §§ 1-35, inapplicable to state elections. R. S. c. 4, § 32. Town meetings for the choice of governor, senators, and representatives, shall be as the constitution directs; and the foregoing sections are not applicable to them.

Sec. 37. Folded votes not received; votes not to be examined. R. S. c. 4, § 33. The person presiding at a meeting for the choice of town officers, shall not receive any folded vote, or permit any person before the poll is closed, without consent of the voter, to examine his ballot, on penalty of twenty dollars.

Wards of Cities. Election of City Officers.

Sec. 38. Wards in cities, change or alteration in limits of, how made. R. S. c. 4, § 34. 1911, c. 172. No change made by the city council, in the limits of any city ward, shall be valid unless it is approved by a majority of the legal votes cast at the election of city officers, held next after such action of said council; and warrants for such ward meetings shall contain an article for that purpose.

Sec. 39. Election of assessors and subordinate officers; term. R. S. c. 4, § 35. The assessors and subordinate officers of cities, when their charters 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 places.

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

Sec. 40. Wardens and clerks in cities, how elected; term. R. S. c. 4, § 36. At the annual election for the choice of mayor and aldermen in cities, the electors, in each ward shall, by written ballot, elect a warden and clerk, who shall enter on their duties on the Monday following their election, and hold their offices one year therefrom, and until others are chosen and qualified in their places.

71 Me. 387.

Sec. 41. Mayor has casting vote in choice of officers; appointees of mayor and aldermen, removal. R. S. c. 4, § 37. In the election of any city officers by ballot in the board of aldermen or in convention of the aldermen and common council, in which the mayor has a right to give a casting vote, if two candidates have each half of the ballots cast, he shall determine and declare which of them is elected. Whenever appointments to office are directed or authorized to be made by the mayor and aldermen of cities, they may be made by the mayor with the consent of the aldermen, and such officers may be removed by the mayor.

79 Me. 81; 89 Me. 451.

Certain Duties of Municipal Officers.

Sec. 42. Town officers not to act when pecuniarily interested. R. S. c. 4, § 38. No member of a city government or selectmen of a town, shall in either board of such government, or in any board of selectmen, vote on any question in which he is pecuniarily interested directly or indirectly, and in which his vote may be decisive; and no action of such government or board taken by means of such vote, is legal.

73 Me. 58.

Sec. 43. Interests in municipal contracts prohibited. R. S. c. 4, § 39. No member of a city government shall be interested, directly or indirectly, in any contract entered into by such government while he is a member thereof; and contracts made in violation hereof are void.

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

Sec. 44. Enforcement of §§ 42 and 43. R. S. c. 4, § 40. 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 of ten or more taxable citizens.

See c. 82, § 6, ¶ xiii.

Sec. 45. Selectmen and treasurer, to make reports; printed reports must be distributed before annual meeting; all town books to be open for public inspection; penalty for refusal or neglect. R. S. c. 4, § 41. 1907, c. 166. Persons charged with the expenditure of the money of a town, shall, on or before the morning of each annual meeting, make a full, detailed written or printed report of all their financial transactions in behalf of the town, during the municipal year immediately preceding, with a full account of the receipts and disbursements during that period, and to whom and for what purpose each item of the same was paid, with a statement in detail of the indebtedness and resources of the town; including a list of all unpaid taxes which have been committed to the treasurer or collector for collection, giving the names of all delinquent taxpayers and the amount due from each. Such reports, or like reports of town auditors, if printed, shall be distributed to the voters on or before the morning of the annual meeting, or, if not printed, shall be presented and read in open town meeting before the election of selectmen, and, whether written or printed, shall be kept deposited in the office of the selectmen, or if they have no office or usual place of business, with the town clerk, with proper vouchers for the disbursements reported,

CHAP. 4

where such reports and vouchers, and all the books of the town shall be open during the usual hours of business, to the inspection of voters; and if any town officer refuses or neglects to perform any requirement of this section, or refuses to allow any voter to examine such reports, vouchers, and town books, he shall be punished by a fine of fifty dollars for each refusal or neglect.

See c. 3, § 15.

Sec. 46. Assessors to keep a record of persons moving into and from, towns and plantations. R. S. c. 4, § 42. Towns and plantations may at any regular meeting, by a vote thereof, require their assessors of taxes to keep a record, with the date thereof as near as practicable, of all persons moving into and from their respective towns and plantations during each year, and on the first day of May make a return of the same to the clerk thereof, who shall record the same in a book to be kept for such purpose, and shall furnish copies of such records upon payment of a reasonable fee.

Sec. 47. Notice of election of town treasurer. R. S. c. 4, § 43. 1909, c. 173. When a town treasurer is elected and qualified, the clerk shall communicate his name to the treasurer of state and the state auditor; and no city, town or plantation shall receive any money from the treasurer of state until the name of its treasurer has been so communicated.

Preservation of Records.

Sec. 48. Cities and towns shall provide safes and vaults. R. S. c. 4, § 62. Cities and towns of more than thirteen hundred inhabitants shall provide fire proof safes or vaults of ample size for the reception and preservation of all completed books of record and registry belonging thereto; upon the completion of any such book of record and registry, the clerk of the city or town, shall deposit the same in such safe or vault, and such books shall be kept in such safe or vault, except when required for use.

Sec. 49. Clerks shall make return to supreme judicial court, of books of record and registry. R. S. c. 4, § 63. The clerks of all cities and towns shall, in the month of December in each year, make a return to the clerks of the supreme judicial court in the several counties, showing the number and nature of such books of record and registry as are in their custody, and where they are kept and deposited; said return shall also show where the books of the municipal officers and treasurer are kept and deposited.

Sec. 50. Penalty for neglect of § 48. R. S. c. 4, § 64. Any city or town which neglects to perform the duties prescribed by section forty-eight shall forfeit for each month so neglecting, the sum of ten dollars, one-half to the complainant and one-half to the county in which such city or town is located.

Burial of Honorably Discharged Soldiers and Sailors.

Sec. 51. State shall pay burial expenses of destitute soldiers and sailors and their widows. R. S. c. 4, § 65. 1913, c. 10. 1915, c. 173. Whenever any person who served in the army, navy or marine corps of the United States during the war of eighteen hundred and sixty-one or during the war

with Spain, or during the war with Mexico, and was honorably discharged therefrom, shall die, being at the time of his death a resident of this state and in destitute circumstances, the state shall pay the necessary expenses of his burial; or whenever the widow of any person who served in the army, navy or marine corps of the United States during the war of eighteen hundred and sixty-one or during the war with Spain, or during the war with Mexico, and was honorably discharged therefrom shall die, being at the time of her death a resident of this state and being in destitute circumstances and having no kindred living within this state and of sufficient ability legally liable for her support, the state shall pay the necessary expenses of her burial; such expenses shall not exceed the sum of thirty-five dollars in any case, and the burial shall be in some cemetery not used exclusively for the burial of the pauper dead.

92 Me. 443; 93 Me. 101; 101 Me. 557.

Sec. 52. Cities and towns shall be reimbursed such expenses; soldier shall not be regarded a pauper. R. S. c. 4, § 66. The municipal officers of the city or town in which such deceased resided at the time of his death, shall pay the expenses of his burial, and if he die in an unincorporated place, the town charged with the support of paupers in such unincorporated place, shall pay such expenses, and in either case upon satisfactory proof by such town or city to the governor and council of the fact of such death and payment, the governor shall authorize the treasurer of state to refund said town or city the amount so paid, provided, however, that the person whose burial expenses are paid in accordance with the provisions of this section and the preceding section shall not be constituted a pauper thereby; said proof shall contain a certificate from the post commander of the post of the Grand Army of the Republic, located nearest the town or city which paid said burial expenses, stating that such person was an honorably discharged soldier or sailor and in destitute circumstances, or the widow of an honorably discharged soldier or sailor and in destitute circumstances, and having no kindred of sufficient ability, resident in this state legally liable for her burial expenses.

93 Me. 101; 101 Me. 557.

Sec. 53. Appropriations. R. S. c. 4, § 67. The legislature shall from time to time, appropriate the necessary sum of money for the purpose of carrying out the provisions of the two preceding sections.

Armories.

Sec. 54. Armories to be provided by town officers; also places for parade; rent to be allowed by state. R. S. c. 4, § 68. Municipal officers shall provide for each company of volunteer militia within their towns, a suitable armory or place of deposit for the arms, equipments and equipage, furnished by the state. They shall also provide a suitable room for the safe keeping of books, the transaction of business, and the instruction of officers for each regiment or separate battalion of such militia located within their towns, and suitable places for their parade, target practice and drill. A reasonable compensation for rent of such armory, headquarters, or place of deposit,

CHAP. 4

not exceeding one hundred dollars a year may be allowed from the state treasury to the town or city so furnishing such armory, headquarters or place of deposit.

See c. 15, §§ 90-94.

Street Coasting May Be Restricted.

Sec. 55. Streets, roads or sidewalks may be designated for coasting. R. S. c. 4, § 69. Municipal officers may designate public streets, roads or sidewalks whereon no person shall slide with any vehicle under a penalty not exceeding five dollars and the forfeiture of the vehicle, to be recovered on complaint to the use of the town where the offense is committed.

Sec. 56. Record of such designation to be made. R. S. c. 4, § 70. When streets, roads or sidewalks have been so designated, the municipal officers shall cause such designation to be recorded in the records of the town, and their action shall be in force until modified or annulled by like authority; police officers and constables shall enforce the preceding section.

Authority to Raise and Hold Money in Trust.

Sec. 57. Purposes for which money may be raised. R. S. c. 4, § 71. 1907, c. 59. 1915, c. 36. The voters, at a legal town meeting, may raise the necessary sums for the support of schools and the poor; making and repairing highways, town ways and bridges; and sprinkling streets; acquiring by purchase or otherwise suitable sites, or suitable sites and buildings, or erecting buildings for free public libraries; purchasing and fencing burying-grounds; maintaining private burying-grounds established before eighteen hundred eighty; purchasing or building and repairing a hearse and hearse-house for the exclusive use of its citizens; and for other necessary town charges.

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

For providing armories, drill rooms and target ranges, c. 15, § 93; see c. 16, §§ 16, 25-27, 83, 85; c. 24, § 86; c. 25, § 18; c. 29, § 11.

As to power to aid in construction of railroads, see c. 56, §§ 41-46.

Sec. 58. Other purposes for which cities and towns may raise money. R. S. c. 4, § 72. 1905, c. 96. 1909, c. 160. 1915, c. 280. Cities and towns may raise money to procure the writing and publication of their histories, to celebrate any centennial or other anniversary of the settlement or incorporation of such city or town, and to publish the proceedings of any such celebration; to defray the expenses of the observance of memorial day, firemen's memorial Sunday, and of old home week; and a sum not exceeding five thousand dollars in any one town for erecting a suitable monument in memory of the soldiers and sailors who sacrificed their lives in defense of their country in the war of eighteen hundred and sixty-one, and a reasonable sum to secure, grade and care for a lot appropriate for such a monument. They may also raise money to be expended for exterminating or controlling brown-tail and gipsy moths and other insect pests.

59 Me. 494; see c. 38, § 10.

Cities and towns may appropriate money to aid in the erection of the Knox Memorial Building in Thomaston, 1915, c. 236.

Sec. 59. Appropriation for advertising. 1913, c. 154. Any city or town, having not more than fifty thousand inhabitants, may appropriate any sum, not exceeding one mill on a dollar, based on the valuation of the preceding year, to be expended and used for advertising the natural resources, advantages and attractions of such city or town.

Sec. 60. Towns may create sinking fund. Investment of sinking funds. R. S. c. 4, § 73. 1915, c. 50. Any city or town which has a funded indebtedness may create a sinking fund for the payment and redemption of such indebtedness, may raise money by taxation for such purpose, and is restricted to and may hereafter invest such sinking fund in its own bonds, in the public funds of the United States and of any of the New England states and the state of New York, and in the bonds of the counties, cities and towns of this state, and in the bonds and obligations of any municipal or quasi-municipal corporation of this state, when such securities are a direct obligation on all the taxable property of said corporation; provided that this section shall not be construed to require any change of investments heretofore made.

Sec. 61. How fund shall be used; penalty for misuse. R. S. c. 4, § 74. Such sinking fund shall be used for no other purposes than those provided for in the preceding section, and any town officer who shall use or appropriate the moneys or securities which compose such sinking fund in any other manner or for any other purpose, than above provided, shall be punished by fine not exceeding two thousand dollars or by imprisonment for not more than two years.

Sec. 62. Cities and towns may refund indebtedness; temporary loan may be made in anticipation of money derived from sale of bonds; securities, when due and payable. R. S. c. 4, § 75. 1915, c. 242. Cities and towns may issue and negotiate their notes, bonds or scrip for refunding or paying in whole or in part, any indebtedness thereof, which has or may hereafter become due. If a city or town votes to issue bonds, notes or certificates of indebtedness in accordance with the provisions of law, the officers authorized to issue the same may, in the name of such city or town, make a temporary loan for a period of not more than one year in anticipation of the money to be derived from the sale of such bonds, notes or certificates of indebtedness and may issue notes therefor; but the time within which such securities shall become due and payable shall not be extended by reason of the making of such temporary loan beyond the time fixed in the vote authorizing the issue of such bonds, notes or certificates of indebtedness; and notes issued under the provisions of this section for a shorter period than one year may be refunded by the issue of other notes maturing within the required period; provided, however, that the period from the date of issue of the original loan and the date of maturity of the refunding loan shall be not more than one year; and provided, further, that no notes shall be refunded under the provisions of this section except under the authority of such vote as is required for the original borrowing.

Issue of bonds payable in instalments, c. 51, § 106; property of inhabitants may be taken to pay debts, c. 51, § 105.

CHAP. 4

Sec. 63. Municipal corporations may contract for water, gas and electric light. R. S. c. 4, § 76. Municipal corporations may contract for a supply of water, gas and electric light for municipal uses for a term of years upon such terms as may be mutually agreed, from time to time renew the same, and may raise money therefor. All such contracts made prior to the twenty-eighth day of April, nineteen hundred and three are confirmed and made valid.

104 Me. 226.

Sec. 64. Fuel yards. R. S. c. 4, § 87. Any city or town may establish and maintain, within its limits, a permanent wood, coal and fuel yard, for the purpose of selling, at cost, wood, coal and fuel to its inhabitants. The term "at cost," as used herein, shall be construed as meaning without financial profit.

111 Me. 488; 113 Me. 124.

Sec. 65. Towns may raise money for propagation of fish. R. S. c. 4, § 86. Towns may raise by a two-thirds vote at their annual meeting, a sum not exceeding five hundred dollars, to be expended by the municipal officers thereof or by a commissioner elected by the towns for the propagation and protection of fish in public waters located wholly or partially within their respective limits. A report of the expenditure thereof shall be made at the next annual meeting by the officer or officers authorized to expend such appropriation.

See c. 1, § 6, ¶ xix; c. 33, § 11.

Sec. 66. Doings of towns in suppression of the rebellion, made valid. R. S. c. 4, § 77. The past acts of towns, in offering, paying and contracting to pay, and in raising and providing means to pay expenses for recruiting for their several quotas, or bounties to or for volunteers, drafted men or substitutes of drafted men, or enrolled men, mustered into or enlisted for the military or naval service of the United States, are valid, provided, that such acts have been done at meetings legally called and held in pursuance of warrants therefor, setting forth the purposes upon which such acts were based. All taxes assessed, contracts made, and notes and orders given by municipal officers in pursuance of votes passed at such meetings, are valid.

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

Sec. 67. War contracts valid. R. S. c. 4, § 78. Contracts made in pursuance of votes, passed at such meetings, by such municipal officers, or their agents, with any volunteer, drafted man or substitute, or with third persons, or associations, for providing means to pay bounties to volunteers, drafted men or substitutes, are valid.

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

Sec. 68. Unauthorized war contracts may be ratified. R. S. c. 4, § 79. Contracts heretofore made by such municipal officers, or by third persons, for any town, without previous authority, to pay bounties to or for volunteers, drafted men or substitutes, in or enlisted for the military or naval service of the United States, may be ratified by any town at a legal meeting, called and notified as provided in section sixty-six.

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

Sec. 69. Municipal officers authorized to call meetings to accept legacies and gifts; notice. R. S. c. 4, § 80. Whenever the municipal officers of any city or town are notified in writing by the executors of any will, or by the trustees created by virtue of the terms thereof, that a devise or bequest in behalf of said city or town has been made upon conditions contained in said will, or by any individual, that he intends to make a conditional gift, in behalf of said city or town, the municipal officers of said city or town, shall, within sixty days after said notice to them, call a legal meeting of the inhabitants of said city or town-qualified to vote upon city or town affairs; provided, however, that in cities the acceptance of such devise, bequest or conditional gift may be by vote of the city council, instead of by the inhabitants at a special election, if the municipal officers so direct. The municipal officers shall give public notice in their warrants, of the objects of said meeting of the inhabitants, and such other notice as they may deem proper. At such meeting, the said inhabitants, or the city council at a regular meeting, or at a special meeting called for that purpose, shall vote upon the acceptance of said devise or bequest or conditional gift, and if a majority of the legal voters, or of the members of the city council, present, then and there vote to accept said devise or bequest or conditional gift, in accordance with the terms contained in said will, and upon the conditions made by the testator or by said individual, said municipal officers of said city or town, shall forthwith notify said executors or trustees, or individual, in writing, of said acceptance by said city or town aforesaid, or the non-acceptance thereof.

105 Me. 374; 110 Me. 526.

Sec. 70. Cities and towns may raise money to carry into effect terms of will or gift; shall only apply to gifts, etc., for certain purposes. R. S. c. 4, § 81. Whenever the executors or trustees, under any will have fully discharged their duties respecting the payment, delivery, or otherwise, of any devise or bequest to said city or town, or any such individual has made such contemplated conditional gift to said city or town, and said city or town has accepted said devise or bequest or conditional gift, in accordance with the conditions thereto attached, as set forth in the preceding section, then said city or town shall perpetually comply with, and strictly maintain and keep all the conditions and terms upon which said devise or bequest or conditional gift was made; and any city or town so accepting said devise or bequest, or conditional gift and receiving the same, or enjoying the benefits therefrom, may raise money to carry into effect the requirements and terms upon which said devise or bequest or conditional gift was so accepted and received. The provisions of this and the preceding section shall apply only to devises and bequests and gifts, devised and bequeathed or given to cities and towns for educational, benevolent and charitable purposes and objects, or for the care, protection, repair and improvement of cemeteries owned by said cities or towns, or of cemetery lots owned by individuals.

See c. 21, § 18; 105 Me. 374.

Sec. 71. Towns may receive money in trust. R. S. c. 4, § 82. Any city or town may receive money by donation or legacy in trust for benevolent, religious or educational purposes, for the erection and maintenance of mon-

CHAP. 4

uments, and for the benefit of public cemeteries and lots therein; provided, that the city or town lawfully consents.

See c. 21, §§ 13-18; c. 4, § 24; 85 Me. 132, 511; 105 Me. 374.

Sec. 72. Interest allowed, if fund is used; Supreme Judicial Ct. may establish rate of interest. R. S. c. 4, § 83. Interest shall be allowed if the fund is used by the city or town; and any city or town may use the principal of any trust fund for municipal purposes, if the town, or the city council of the city, votes to so use it, at a meeting called after due notice, at a rate of interest less than six per cent, if the party creating the trust so provides; or by an agreement with the beneficiary, approved by a decree in equity of the supreme judicial court, or such city or town may procure a decree from the supreme judicial court sitting in equity, establishing the rate of interest that such city or town shall pay for the use of such fund, and the supreme judicial court is hereby given jurisdiction over the question of such use and rate of interest in such cases; otherwise, it shall be placed at interest or income, the city or town being responsible for its security.

85 Me. 132, 518; 105 Me. 374.

Sec. 73. Fund applied according to directions of donor. R. S. c. 4, §§ 84, 85. The city or town, by its officers or agents, shall apply the fund or its income in accordance with the written directions of the donor or testator, made known at the time when the fund was accepted. If the city or town fails to apply the fund or its income at the times and for the purposes prescribed in said directions, it reverts to the donor, if living; otherwise, to his heirs.

105 Me. 374.

Free Public Libraries.

Sec. 74. Towns may establish public libraries, and raise money therefor. R. S. c. 57, § 10. 1909, c. 84. Any town may establish a free public library therein, for the use of its inhabitants, and provide suitable rooms therefor, under such regulation for its government as the inhabitants from time to time prescribe; and may appropriate, for the foundation and commencement of such library, a sum not exceeding two dollars, and for its maintenance and increase annually, a sum not exceeding two dollars for each of its ratable polls in the year next preceding. Any town in which there is a free public library may establish and maintain under the same general management and control, such branches of the same as the convenience and wants of its citizens seem to demand.

Sec. 75. Villages may establish free libraries; may assess tax for their support; rights and privileges. R. S. c. 57, § 11. Any village corporation located in a town where no free library exists, may establish a library within its limits for the free use of all its inhabitants; and may levy and assess a corporate tax and appropriate therefrom for the foundation and commencement of such library, a sum not exceeding two dollars, and for its maintenance and increase annually a sum not exceeding one dollar for each ratable poll within the limits of such village corporation in the year next pre-

ceding. Village libraries established under this section shall be subject to all the duties and entitled to all the privileges prescribed by the laws relating to free public libraries in towns.

Sec. 76. Any town may raise money to secure free use of library in adjoining town. R. S. c. 57, § 12. Any town may raise and appropriate annually a sum of money, not exceeding the legal limit established for maintaining free libraries, for the purpose of securing to its inhabitants the free use of a library located in an adjoining town, and shall be entitled to receive from the treasurer of state a sum equal to ten per cent of the amount so raised, appropriated and expended yearly, to be paid on the certificate of its municipal officers returned as provided in section seventy-eight.

Sec. 77. Adjacent towns may unite in establishing free library. R. S. c. 57, § 13. Two or more adjacent towns may unite in establishing and maintaining a free public library with branches thereof in each town, for the free use of all the inhabitants of said towns, and may each raise and appropriate for that purpose annually a sum not exceeding the legal limit established for maintaining free libraries, and such towns shall be subject to all duties and entitled to all the benefits prescribed by the laws relating to free libraries.

Sec. 78. State stipend for support of public library. R. S. c. 57, § 14. The municipal officers in any town or city, and the assessors of any village corporation where a free public library is established, shall annually, on the first day of May, certify to the state auditor the amount of money appropriated and expended by said town, city or village corporation during the preceding year, for the purchase of books and documents for the use and benefit of such free public library, and for the payment of the running expenses thereof; and the governor, with the advice and consent of the council, shall draw a warrant on the treasurer of state for the purchase of books for the use of such library, for a sum equal to ten per cent of the amount expended by said town or village corporation as certified by its municipal officers or assessors.

Sec. 79. Free library maintained by an association receiving aid shall be considered a public library. R. S. c. 57, § 15. 1905, c. 166. Any town or city, in which there is a library owned or controlled by a corporation or association, or by trustees, may appropriate a sum not exceeding one dollar for each of its ratable polls in the year next preceding to procure from such library the free use of its books for all the inhabitants of the town or city, under such restrictions and regulations as shall insure the safety and good usage of the books; and such library shall then be considered a free public library within the meaning of this chapter, and said town or city shall be entitled to the benefits of the preceding section, provided that any books and documents purchased with said stipend, and all books and documents donated by the state, shall be and remain the property of said municipality.

Sec. 80. Free public libraries shall be entitled to Maine reports, etc., from state library; officers shall report annually to librarian of state library, aid withheld until report is made. R. S. c. 57, § 16. In every town and city where a free public library exists, the librarian of the state library shall

CHAP. 4

transmit to such library all laws, Maine reports, and other documents which the town or city is by law entitled to receive from the state; and the same shall be constantly kept in such library for the use and benefit of all the citizens; and the municipal officers of said town or city, shall transfer to said library all the laws, Maine reports and other documents, heretofore received from the state, and now in custody of any of the officers of said town or city; and the officers of said library, on or before the first day of April of each year, shall send to the librarian of the state library a report containing a list of all books and documents purchased with the state stipend for the preceding year, and of all books and documents received from the state in said library. The aid from the state, hereby provided, shall be withheld from any town, city or village corporation until the report herein required to be made on or before the first day of April of each year, shall have been received by the librarian of the state library. And the same shall also be withheld unless said report shall show that the laws, Maine reports and other documents furnished to said town or city by the state are kept in said library as required by this section.

Sec. 81. Assistance to towns in establishing free public libraries. R. S. c. 57, § 17. The librarian shall donate from the state library to any town having no free public library owned or controlled by the town, books purchased for that purpose, not exceeding fifty per cent in value of the books and documents purchased by said town for the purpose of founding a free public library therein; said donation in no case to exceed one hundred dollars. No town shall be entitled to the benefits of this provision, until its legal voters, at a regularly called town meeting, have raised and appropriated not less than one hundred dollars for the purchase of books, and have provided for the care, custody and distribution of its own books, and of those to be donated by the state.

Sec. 82. Librarians may receive instruction at state library. R. S. c. 57, § 18. The librarian or trustees of any free public library may receive instruction at the state library in cataloguing, and any other matters pertaining to the maintenance or administration of the library.

Sec. 83. Towns may receive devises and gifts for public libraries and art galleries. R. S. c. 57, § 19. 1909, c. 183. Any town, as such, may receive, hold and manage devises, bequests or gifts for the establishment, increase or maintenance of a public library therein; and may accept by vote of the legal voters thereof, any land or land and buildings thereon, to be used as a public library or art gallery, or both combined. When any plantation is incorporated into a town, such gifts and the proceeds thereof fully vest in such town.

90 Me. 414.

Note. Wanton injury to a book, picture, statue or painting in any public library punished, c. 129, § 26.

Public Parks and Squares.

Sec. 84. Towns and cities may choose park commissioners. R. S. c. 4, § 88. Cities and towns may choose by ballot, three park commissioners, to hold office one, two and three years, respectively, and after the first year choose annually a commissioner for three years in place of the one whose

term expires; they shall have the care and superintendence of the public parks and direct the expenditure of all moneys appropriated for the improvement of the same.

Sec. 85. Towns may receive devises and gifts for public parks and playgrounds. 1909, c. 183. Any town, as such, may receive, hold and manage devises, bequests or gifts for the establishment, increase or maintenance of public parks and playgrounds in such town; and may accept by vote of the legal voters thereof, any land in such town to be used as a public park or playground, or both combined. When any plantation is incorporated into a town, such gifts and the proceeds thereof fully vest in such town.

Sec. 86. Village corporations may hold land for park purposes. 1915, c. 247. Village corporations chartered by the legislature may take and hold lands by devise or gift, in trust for playground or park purposes, and may expend not exceeding ten per cent of the money apportioned such village corporation, under its charter, for the improvement and care of such land.

Sec. 87. Land taken for parks, squares, public libraries and playgrounds. R. S. c. 4, § 89. 1909, c. 143. 1909, c. 237. Any city or town, containing more than one thousand inhabitants, upon petition in writing signed by at least thirty of its tax-paying citizens, directed to the municipal officers, describing the land to be taken as hereinafter provided, and the names of the owners thereof so far as they are known, may, at a meeting of such town, or of the mayor, aldermen and council of such city, direct such municipal officers to take suitable lands for public parks, squares, playgrounds, buildings for municipal purposes, or a public library building; and thereupon such officers may take such land for such purposes, but not without consent of the owner, if at the time of filing such petition, with such officers, or in the office of the clerk of such town or city, such land is occupied by a dwelling-house wherein the owner or his family reside.

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

Sec. 88. Proceedings by municipal officers. R. S. c. 4, § 90. Whenever the municipal officers of such city or town are directed to take land as provided in the preceding section, they shall, within ten days, give written notice of their intention to take such land, describing the same, and the time and place of hearing, by posting the same in two public places in the town where the land lies, and in the vicinity thereof, and by publishing the same in a newspaper printed in such city or town, seven days before the day of such hearing, if any, otherwise, in a newspaper printed in the county where the land lies, three weeks successively, the last publication to be seven days before such hearing. The municipal officers shall meet at the time and place specified in the notice, view the land to be taken, hear all parties interested, and if they decide that the land is suitable for the purpose, they shall take the same and estimate the damages to be paid to each owner, so far as known, and make return of their doings in writing, signed by a majority of them, which return shall describe by metes and bounds the land so taken, and state the purpose for which it is taken, the names of the owners, so far as known, and the amount of damages awarded to each. The return shall be filed, and recorded in the clerk's office of such city or town,

CHAP. 4

and a copy thereof, certified by such clerk, shall be recorded in the registry of deeds for said county.

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

Sec. 89. Appeal from estimate of damages; damages, how paid. R. S. c. 4, § 91. Any person aggrieved by the estimate of damages may have them determined by written complaint to the supreme judicial court in the manner provided respecting damages for the establishment of town ways. When such damages are finally determined, they shall be certified to the clerk of such city or town, and paid by the treasurer thereof.

See c. 24, § 20; 98 Me. 131; 103 Me. 436; 105 Me. 418, 578; 106 Me. 147.

Sec. 90. Preservation of trees along public ways; parkways. 1907, c. 27, § 1. For the purpose of preserving and increasing the growth of trees on land abutting any public way, or located on uplands adjoining any navigable river or other body of water, cities and towns and the municipal officers thereof, acting pursuant to sections eighty-seven, eighty-eight, and eighty-nine, may set aside and define such land, located as aforesaid, in width not exceeding five rods; and all trees and shrubs growing on said land shall be held as for park purposes, under the exclusive care and control of park commissioners, chosen as provided in section eighty-four, and it shall be unlawful for the owner in fee of said land or any other person to injure, remove or destroy such trees or shrubs except as hereinafter provided. All proceedings relating to estimating and awarding damages provided in sections eighty-seven, eighty-eight, and eighty-nine are hereby made applicable to proceedings hereunder; and such proceedings may also be commenced upon petition in writing signed by at least thirty taxpayers owning taxable real estate in said town or city.

Sec. 91. Land may be cleared for public ways; further award of damages; licenses to owners to make improvements. 1907, c. 27, § 2. The preceding section shall not prevent the taking and clearing of so much of said land as may be necessary for public ways, nor abridge the right of the owner, or his tenant, to lay out a private way across the same, or to clear and improve so much thereof as may be necessary for actual building purposes, provided the written consent of the municipal officers to open such way or construct buildings thereon be first obtained; nor except as provided in the preceding section shall the provisions thereof and of this section restrict the use and enjoyment of such land by the owner thereof, or authorize any person to enter thereon, excepting municipal officers and park commissioners, and their agents, for the purposes of the preceding section. Whenever municipal officers refuse to give consent for laying out a private way or for cutting and clearing so much of said land as is necessary for immediate building purposes, when in writing requested so to do, such refusal shall be ground for a further award of damages to the owner as provided in section ninety. Park commissioners may grant written license to the owner to do such cutting and clearing on said land as is consistent with the preservation and general improvement of the growth thereon.

Sec. 92. Failure to elect park commissioners; towns may appropriate money. 1907, c. 27, § 3. If any city or town, having taken lands as herein

provided, fails to elect a board of park commissioners, the municipal officers shall have and exercise all the powers and duties of such commissioners. Cities and towns may appropriate money for the purposes of the two preceding sections, and said sections shall apply to every town, although containing less than one thousand inhabitants.

Sec. 93. Penalties. 1907, c. 27, § 4. Whoever violates any provision of sections ninety and ninety-one shall be punished by a fine not exceeding one hundred dollars, to be recovered on complaint, and shall also be liable to an action on the case, brought by the park commissioners or by a taxpayer, in the name and for the benefit of the town or city wherein said offense is committed, for all damages sustained.

Street Sprinkling.

Sec. 94. Appropriation for street sprinkling. 1907, c. 188, § 1. A city may annually appropriate money for sprinkling all or a part of its public ways, or portions thereof, at its expense in whole or in part, and may determine that certain other public ways, or portions thereof, shall be sprinkled at the expense in whole or in part of the abutters thereon.

Sec. 95. Municipal officers shall determine assessment on abutters for sprinkling of streets; proceedings. 1907, c. 188, § 2. 1909, c. 47. 1913, c. 83. If a city, town or village corporation determines that streets or certain streets or portions of streets shall be sprinkled in whole or in part at the expense of the abutters thereon, such expense for sprinkling for a municipal year, and the proportions thereof to be borne by abutters, shall be determined by the municipal officers who after such notice as they may order shall view the abutting estates, and after hearing determine the amount to be assessed on estates abutting on such streets in proportion to the benefit secured to such abutting estates by such sprinkling. Provided, however, that if street railroads are operated upon such public ways or portions thereof as said city, town or village corporation may determine to sprinkle at the expense of the abutters; said railroads shall be assessed on the amount of space included between the outer rails and one foot beyond on each side extended such distance as such railroads operate on said way or portion thereof to be sprinkled, at the same proportionate rate as said space bears to the amount assessed in the whole space included within said limits of said public way, and provided further, that the provisions of this section as to sprinkling streets shall not apply to suburban districts, but only to thickly populated portions of a city, town or village corporation, nor to tracks laid along the side of streets or ways; and the amount assessed against a street railroad for such sprinkling in any street shall not exceed one-third of the cost of such sprinkling along the line of said railroad. Instead of paying an assessment as above provided, a street railroad may sprinkle its tracks at its own expense.

The amount of such assessment upon each estate and upon said railroad shall be determined by the municipal officers, or if said municipal officers so designate, by the board of public works, board of street commissioners, superintendent of streets or other officers, and said municipal officers or

CHAP. 4

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

Sec. 96. Tax shall be assessed; lien. 1907, c. 188, § 3. The assessors shall assess the tax and shall include such assessment in the tax list and warrant committed by them to the collector of taxes for that municipal year, and it shall be included in the annual tax bill, or if the estate so assessed is otherwise exempt from taxation, it shall be rendered as a tax bill. Such assessment shall be a lien upon the estate, and shall be levied, collected, re-assessed, paid, apportioned or bear interest and become payable in the same manner as, and shall be a part of, the tax for that year on such estate; but the assessors shall make no abatement thereof except upon the recommendation of the board of officers by whom the list was certified to them.

Disorganized Towns.

Sec. 97. Debts of disorganized towns collectable; so with school districts therein. R. S. c. 4, § 92. Where towns are disorganized by a repeal of their charters, and their liabilities are excepted and reserved by the repealing act, legal service of process to collect such liabilities may be made on any inhabitant of lawful age resident in the territory included in said town, as provided for service of such process against towns; provided, that there are no legal officers in said territory on whom service can be made. This section extends to school districts in said towns so far as applicable.

See c. 86, § 19.

Town, Village and City By-Laws and Ordinances.

Sec. 98. By-laws of towns, cities and villages. R. S. c. 4, § 93. Towns, cities and village corporations may make by-laws or ordinances, not inconsistent with law, and enforce them by suitable penalties, for the purposes and with the limitations following:

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

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

See c. 16, § 63; c. 18, § 112; c. 21, § 17; c. 23, §§ 7, 10, 33-37; c. 30, §§ 1, 20, 23; 93 Me. 77.

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

III. Respecting infectious diseases and health.

See c. 19, § 45, ¶ v; 100 Me. 184; 112 Me. 10.

IV. For regulating the going at large of dogs.

See §§ 109-118.

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

See c. 46, § 1.

VI. For setting off portions of their streets for sidewalks, keeping them clear of snow and other obstructions, regulating the use thereof, and for planting and preserving trees by the side thereof, and for the proper protection and care of public parks and squares within the same and all monuments, statues and erections thereon.

See c. 24, §§ 72, 90; 37 Me. 331; 78 Me. 31; 85 Me. 388; 104 Me. 351.

VII. Respecting the location and protection of monuments, boundary-stones, curb-stones, stepping-stones or horse-blocks, trees, lamp-posts, posts and hydrants, and all other things placed within the limits of their roads, ways and streets, by municipal authority and for legitimate municipal purposes; and no such objects placed as aforesaid, if located in accordance with such by-laws and ordinances, shall be deemed defects in such road, way or street.

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

See c. 30, §§ 25-36; 102 Me. 285.

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

100 Me. 325; 93 Me. 77.

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

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

1909, c. 243; 1911, c. 16. See § 13; c. 16, § 33.

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

See c. 23, § 7.

CHAP. 4

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

1905, c. 78; 1911, c. 48.

Police Officers.

Sec. 99. Selectmen of towns authorized to appoint police officers. R. S. c. 4, § 94. The selectmen of towns may appoint and shall control and fix the compensation of police officers. Such appointment shall be in writing, signed by a majority of the selectmen and recorded by the town clerk, and shall be for such time not exceeding one year as the selectmen shall determine.

Sec. 100. Powers; removal. R. S. c. 4, § 95. Police officers so appointed shall severally have all the powers of a constable in criminal matters, within the limits of the town, and may be removed by the selectmen when they shall deem that the interests of the town require such removal.

See c. 33, § 10; c. 85, § 58.

Registration and Licensing of Dogs.

Sec. 101. Assessors shall make lists of all dogs; return to treasurer of state; penalty for failure to make return. 1909, c. 222, § 2. Assessors of taxes shall include in their inventories lists of all dogs owned by or in the possession of any inhabitant on the first day of April, setting the number and sex thereof opposite the names of their respective owners or persons in whose possession the same are found, and make a return to the treasurer of state of said lists and also of the number of dogs killed as required by section one hundred and six of this chapter on or before the fifteenth day of June following; and if any city or town fail to return to the treasurer of state on or before September first of each year, a sum of money equal to the license required by this chapter, on all dogs living on the first day of June preceding, such deficiency shall be collected in the same manner as the state tax of such delinquent city or town for the following year.

Sec. 102. Dogs shall be annually registered, numbered and licensed; license fee; kennel license; fee for kennel license. 1909, c. 222, § 3. Every owner or keeper, on the first day of April, of a dog more than four months old, shall annually before the tenth day of said April, cause it to be registered, numbered, described and licensed for one year commencing with the first day of April aforesaid, in the office of the clerk of the city or town where said dog is kept, and shall keep around its neck a collar distinctly marked with the owner's name and its registered number, and shall pay to said clerk for a license the sum of one dollar and fifteen cents for each male dog and for each female dog incapable of producing young so kept,

and five dollars and fifteen cents for each female dog capable of producing young.

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

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

93 Me. 387.

Sec. 103. Duty of clerks. 1909, c. 222, § 4. The clerks of cities and towns shall issue said license and receive the money therefor, and pay the same to the treasurer of their respective cities or towns within thirty days thereafter, retaining to their own use the sum of fifteen cents for each license so issued; and the said treasurer shall pay the money so received to the treasurer of state on or before September first of each year who shall credit the same to a fund called "Dog Licenses." Such clerks shall keep a record of all licenses issued by them, with the names of the owners or keepers of dogs licensed, and the sex, registered numbers and description of all such dogs; provided, however, that the sex, registered number and description shall not be required of dogs covered by a kennel license.

Note. As to the registration of dogs kept by Indians in the town of Perry, see special laws, 1899, c. 202, as amended by special laws, 1901, c. 473.

Sec. 104. Treasurers shall keep account. 1909, c. 222, § 5. The treasurer of each city or town shall keep an accurate and separate account of all moneys received and expended by him under the provisions of the preceding section.

Sec. 105. Penalty for keeping unlicensed dog. 1909, c. 222, § 6. Whoever keeps a dog contrary to the provisions of this chapter shall forfeit ten dollars, five of which shall be paid to the complainant and five to the treasurer of the town in which the dog is kept, and in addition thereto shall pay the cost of prosecution.

Sec. 106. Warrants to be issued to officers to kill all unlicensed dogs. 1909, c. 222, § 7. The mayor of each city and the municipal officers of each town or plantation shall annually within ten days from the first day of May issue a warrant, returnable on the first day of June following, to one or more police officers or constables, directing them to proceed forthwith either to kill or cause to be killed all dogs within said city, town or plantation not licensed, collared or enclosed according to the provisions of this chapter, and said constable or police officer shall or any other person may enter complaint against the owner or keeper thereof. On the first day of June, the mayors of cities and the municipal officers of towns and plantations shall

CHAP. 4

issue to one or more police officers or constables a warrant returnable on the first Monday of the following February, directing said police officers or constables to kill or cause to be killed forthwith any dog not licensed or collared according to the provisions of this chapter and to enter complaint against the owner or keeper thereof.

93 Me. 388.

Sec. 107. Return of warrant and what it shall contain. 1909, c. 222, § 8. Each police officer or constable to whom the warrants named in the preceding section are issued, shall return the same at the times specified and shall state in his return on each warrant the number of dogs killed, the names of the owners and keepers thereof, and whether all unlicensed dogs within his precinct, have been killed, and the names of persons against whom complaints have been made under the provisions of said section. Such officers shall receive from the city, town or plantation the sum of two dollars for each dog killed, and for such other services rendered under the provisions of this chapter, they shall receive such compensation as the municipal officers may determine.

Sec. 108. Secretary of state to forward copies of law; posting. 1909, c. 222, § 9. The secretary of state shall seasonably forward to the clerks of the several cities, towns and plantations, copies of the seven preceding sections, and each clerk shall annually, at least twenty days before the first day of April, post said copies in the usual places of posting notices of the annual municipal or town elections.

Sec. 109. Liability for damages by dogs. 1909, c. 222, § 10. When a dog does damage to a person or his property, his owner or keeper, and also the parent, guardian, master, or mistress of any minor who owns such dog, forfeits to the person injured the amount of the damage done, provided the said damage was not occasioned through the fault of the person injured; to be recovered by an action of trespass.

62 Me. 279; 74 Me. 488; 75 Me. 564; 78 Me. 559; 83 Me. 568; 87 Me. 172; 98 Me. 264; 100 Me. 25; 101 Me. 551; 110 Me. 307.

Sec. 110. Payment of damages done by dogs and wild animals; determination of damages; recovery from owner; penalty for keeping dog that kills sheep. 1909, c. 222, § 11. 1911, c. 40, § 1. Whenever any sheep, lambs, or other domestic animals, owned by a resident of this state are killed or injured by dogs or wild animals, such owner may make complaint thereof to the mayor of the city, or to one of the municipal officers of the town or plantation where such damage was done, within seven days after he has knowledge of the same, and thereupon the municipal officers shall investigate the complaint, and if satisfied that the said damage was committed by dogs or wild animals within the limits of their city, town or plantation, they shall estimate the damage thereof according to the full value for which they are kept, whether as breeders or for other purposes, and direct that the same with fifty per cent additional shall be paid from the town treasury. If the municipal officers and the owner of the sheep or domestic animals are unable to agree as to the amount of the damage which shall be paid, the amount shall be determined by three referees to be selected in manner following: one referee to be chosen by the municipal officers, one by the

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

Sec. 111. Joint owners of dogs liable jointly and severally. 1909, c. 222, § 12. If any sheep, lambs, or other domestic animals are killed or injured by two or more dogs at the same time, kept by two or more owners or keepers, the said owners or keepers of said dogs shall be jointly and severally liable for such damage.

Sec. 112. Reimbursement of amount paid by cities and towns. 1909, c. 222, § 13. 1911, c. 40, § 2. When any city, town, or plantation shall have paid damages to the owners of sheep, lambs, or other domestic animals, as provided in section one hundred and ten, for losses caused by dogs, and the amount of such damages cannot be collected from the owners or keepers of said dogs, or the dog or dogs causing such losses cannot be identified, or shall have paid such damages for losses caused by wild animals, the mayor of such city, or the municipal officers of said town or plantation, shall forward to the state auditor a statement of facts in each case, showing the amount so paid, and the state shall reimburse such city, town or plantation to the amount of such damage from the fund received by said state under section one hundred and three, and so much as may be necessary is hereby appropriated to pay the same.

Sec. 113. Expenditure of money remaining in state treasury. 1909, c. 222, § 14. All money received by the treasurer of state as provided in section one hundred and three, and remaining unexpended at the end of the year shall be credited to the several cities, towns and plantations upon their state tax in proportion to the amount each has paid into the state treasury under the provisions of this chapter and so much thereof as remains unexpended as aforesaid, is hereby appropriated to pay the same; provided, however, that the amount to be refunded to such plantations as are taxed as wild lands shall be paid direct to the plantation treasurer instead of being credited upon the state tax.

Sec. 114. Penalty, if officer refuses or neglects duty. 1909, c. 222, § 15. Any mayor, selectman, clerk, constable, or police officer who refuses or wilfully neglects to perform the duties imposed by the thirteen preceding

CHAP. 4

sections shall be punished by a fine of not less than ten nor more than fifty dollars and costs.

Sec. 115. Liability for stealing or killing registered dog. 1909, c. 222, § 16. Whoever steals, injures or confines and secretes any registered dog, or kills any such dog, except as provided in the following section, and unless such killing be justifiable in the protection of person, property or game, shall be liable to the owner in a civil action for the full value of the dog.

Sec. 116. When dogs may be lawfully killed. 1909, c. 222, § 17. Any person may at any time lawfully kill any dog found hunting or chasing moose, caribou, or deer, or any dog kept and used for that purpose. Any person may lawfully kill a dog which suddenly assaults him or another person when peaceably walking or riding, or is found worrying, wounding, or killing any domestic animal when said dog is outside of the enclosure or immediate care of his owner or keeper.

93 Me. 389; 112 Me. 362.

Sec. 117. Written complaint of dangerous dogs at large. 1909, c. 222, § 18. 1915, c. 166. Whoever is so assaulted or finds a dog strolling outside of the premises or immediate care of its keeper, and the said dog is not safely muzzled, may, within forty-eight hours thereafter, make written complaint before the municipal or police court having jurisdiction in the city or town where the owner or keeper resides, or in case there is no court, before a trial justice in said town, that he really believes and has reason to believe that said dog is dangerous and vicious, whereupon said court or trial justice shall order said owner or keeper to appear and answer to said complaint by serving said owner or keeper of said dog with a copy of said complaint and order a reasonable time before the day set for the hearing thereon; and if upon hearing, the court or trial justice is satisfied that the complaint is true, he shall order the dog to be killed and the owner or keeper shall pay the costs. If the dog is not killed within the time fixed by such order, the court or magistrate making said order, may, upon application by the complainant, or other person, issue his warrant directed to the sheriff of the county or any of his deputies, or to any police officer or constable in the town where the dog is found, commanding such officer forthwith to kill said dog and to make return of his doings on said warrant to the court or magistrate issuing the same within fourteen days from date thereof. The officer shall receive from the county treasury two dollars for executing said warrant, together with his legal fees for travel, and the owner or keeper aforesaid shall be ordered to pay the costs of such supplementary proceedings.

75 Me. 569.

Sec. 118. Treble damages and costs when order is neglected. 1909, c. 222, § 19. If a dog, whose owner or keeper refuses or neglects to comply with said order, wounds any person by a sudden assault as aforesaid, or wounds and kills any domestic animal, the owner or keeper shall pay the person injured treble damages and costs, to be recovered by an action on the case.

75 Me. 569.

Sec. 119. Dogs in unorganized plantations. 1909, c. 222, § 20. Dogs kept in unorganized plantations shall be licensed by their owners or keepers in the oldest adjoining plantation or town. In case there is no adjoining town or plantation, said dogs shall be licensed in the nearest town or plantation.

Sec. 120. Jurisdiction of courts; fines, how disposed of. 1909, c. 222, § 21. Trial justices, municipal and police courts shall have concurrent jurisdiction with the superior and supreme judicial court of all violations of the nineteen preceding sections. All fines imposed shall be paid into the treasury of the town where the offense is committed and shall be used for the benefit of the town unless otherwise provided.

Wharves and Fish Weirs.

Sec. 121. Application for license to build or extend wharves and fish weirs; proceedings; bond. R. S. c. 4, § 96. 1911, c. 110, § 1. Any person intending to build or extend any wharf or fish weir or trap in tide waters, within the limits of any city or town, may apply in writing to the municipal officers thereof, stating the location, limits and boundaries, as nearly as may be, of such intended erection or extension, and asking license therefor. Upon receiving such application, said officers shall give at least three days' public notice thereof, and shall therein designate a day on which they shall meet on or near the premises described, and examine the same. If upon such examination and hearing of all parties interested, said officers decide that such erection or extension would not be an obstruction to navigation, or an injury to the rights of others, and determine to allow the same, they shall issue a license under their hands to the applicant, authorizing him to make said erection or extension, and to maintain the same within the limits mentioned in such license; the applicant for license to build or extend a fish weir or trap as aforesaid shall first give bond to the town, without sureties, in the sum of one hundred dollars, conditioned that upon the termination of such license he shall remove all stakes and brush from the location therein described.

68 Me. 259, 261; 85 Me. 120; 102 Me. 55.

Sec. 122. License void. 1911, c. 110, § 2. The license for the building or extension of a fish weir or trap issued under the provisions of the preceding section shall terminate and become void unless such weir or trap shall be built within one year from the date of the license and maintained and operated in good faith for some part of each year thereafter.

Sec. 123. Waters lying between two towns. R. S. c. 4, § 97. In any river or tide water lying between two towns or cities, no such wharf or fish weir shall be erected without the consent of the municipal officers of both; and in no case shall any wharf be extended beyond any wharf lines heretofore legally established.

85 Me. 120; 102 Me. 55.

Sec. 124. Record; compensation to officers. R. S. c. 4, § 98. The application and petition aforesaid, with the notice and proceedings thereon, and the license granted, shall be recorded in said town. Reasonable compensation shall be paid by said petitioner to the municipal officers for their

CHAP. 4

services and expenses, and to the clerk for recording, and if license is granted, five dollars additional shall be paid therefor by said petitioner to said town.

85 Me. 120; 102 Me. 55.

Sec. 125. Extension of weirs and wharves; application to herring weirs and traps. R. S. c. 4, § 99. 1911, c. 110, § 3. No fish weir, trap or wharf shall be extended, erected, or maintained except in accordance with this chapter; and no fish weir, trap or wharf shall be erected or maintained in tide waters below low water mark in front of the shore or flats of another without the owner's consent, under a penalty of fifty dollars for each offense, to be recovered in an action of debt by the owner of said shore or flat. This section and the four preceding sections apply to all herring weirs and traps; but do not apply to other weirs or traps, the materials of which are chiefly removed annually, provided that such weirs or traps do not obstruct navigation nor interfere with the rights of others. This section shall not affect any wharves so erected or maintained on the twenty-first day of April, nineteen hundred one.

85 Me. 118; 91 Me. 352; 97 Me. 357, 464; 102 Me. 55.

Harbor Masters.

Sec. 126. Appointment of harbor masters; compensation. R. S. c. 4, § 100. Selectmen of towns, on request by any person desiring mooring privileges or regulation of mooring privileges for boats or vessels, shall annually appoint a harbor master who shall be subject to all the duties and liabilities of said office as prescribed by law, and in case of the failure or refusal of said harbor master to perform said duties, he shall be subject to a fine of twenty-five dollars, for the benefit of the town, for each wilful neglect or refusal to attend the same. The selectmen may establish his compensation and may for cause by them declared in writing, after due notice to such officer and hearing thereon, if requested, remove him and appoint another in his stead.

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

Sec. 127. Rules for channel lines. R. S. c. 4, § 101. 1905, c. 60. The municipal authorities of all maritime towns and plantations shall make rules and regulations for the keeping open of convenient channels for the passage of vessels in the harbors and waterways of the towns for which they act, and shall establish the boundary lines of such channels, and assign suitable portions of their harbors for anchorages.

Sec. 128. Enforcement of rules. R. S. c. 4, § 102. Such rules and regulations as may be made by such municipal authorities shall be enforced and carried out by the harbor master of said town, who may appoint a deputy to act in case of his absence or disability.

Sec. 129. Harbor masters shall indicate location in which vessels shall be moored. R. S. c. 4, § 103. In all harbors wherein channel lines have been established by the municipal authorities, as provided in section one hundred and twenty-seven, and in all other harbors where mooring rights of individuals are claimed to be invaded and protection is sought of the harbor

master, he shall assign and indicate to the master or owner of boats and vessels the location which they may occupy with or for mooring purposes, the kind of mooring to be used, and shall change the location of said moorings from time to time when the crowded condition of such harbor or other conditions render such change desirable; he shall assign mooring privileges in such waters in all cases where individuals who own the shore rights or have an interest in the same are complainants, and shall locate suitable mooring privileges therefor for boats and vessels, temporarily or permanently as the case may be, fronting their land, if so requested, but not thereby to encroach upon the natural channel, or channels established by municipal authorities. The municipal officers shall fix the compensation of the harbor master for such services rendered.

Sec. 130. Penalty for neglecting to remove or replace moorings. R. S. c. 4, § 104. In case of the neglect or refusal of the master or owner of any boat or vessel, to remove his mooring or to replace it by one of different character, when so directed by the harbor master, said harbor master shall cause said mooring to be removed, or shall make such change in the character thereof as required, and shall collect from the master or owner of such boat or vessel the sum of two dollars for either of such services rendered, and also the necessary expenses.

Sec. 131. Vessels obstructing anchorage shall be removed by harbor master. R. S. c. 4, § 105. Such harbor master shall, upon complaint to him by the master, owner or agent of any vessel, cause any other vessel or vessels obstructing the free movement or safe anchorage of such vessel to remove to a position to be designated by him, and to cause, without any complaint being made to him, any vessels anchoring within the channel lines as established by the municipal authorities as provided in section one hundred and twenty-seven to remove to such anchorage as he may designate.

Sec. 132. May put crew on board to move vessel to suitable berth. R. S. c. 4, § 106. If such vessel has no crew on board, or if the master or other person in charge neglects or refuses to move such vessel as directed by the harbor master, then and in that case such harbor master may put a suitable crew on board and move such vessel to a suitable berth at a wharf or anchorage at the cost and risk of the owners thereof, and shall charge two dollars, to be paid by the master or owner of such vessel, which charge together with the cost of the crew for removing such vessel the harbor master may collect by suit.

Sec. 133. Harbor master may arrest for assault. R. S. c. 4, § 107. Harbor masters may arrest and deliver to the police authorities on shore any person committing an assault upon them or another person acting under their authority.

Town Lines.

Sec. 134. Perambulation of town lines every five years. R. S. c. 4, § 108. Lines between towns shall be run once every five years, except as mentioned in the two following sections. The municipal officers of the oldest town shall give ten days' notice in writing to such officers of the adjoining towns of the time and place of meeting for perambulation; and each officer who

CHAP. 4

neglects to notify or attend in person, or by substitute, forfeits ten dollars, two-thirds to the town which complies with its duty, and one-third to any two or more of said officers of the town complying, to be recovered within two years after the forfeiture is incurred; and the proceedings of such officers, after every such renewal of boundaries, shall be recorded in their town books.

56 Me. 30.

Sec. 135. Monuments may be erected at angles; perambulation every ten years. R. S. c. 4, § 109. Towns, which have perambulated, or shall perambulate their lines as by law prescribed, and set up stone monuments, at least two feet high, at all the angles, and where the lines cross highways, or on or near the banks of all rivers, bays, lakes or ponds, which said lines cross, or which bound said lines, are exempt from the duty of perambulating said lines, except once every ten years, commencing ten years from the time that the stone monuments were so erected.

Sec. 136. Disputed town lines; compensation of commissioners. R. S. c. 4, §§ 110, 111. When a town petitions the supreme judicial court, stating that a controversy exists between it and an adjoining town respecting a town line, and praying that it may be run, the court, after due notice to all parties concerned, may appoint three commissioners, who shall, after giving notice of the time and place of meeting, to all persons interested, ascertain and determine the lines in dispute, and describe them by courses and distances, and make, set and mention in their return, suitable monuments and marks for the permanent establishment thereof, and make duplicate returns of their proceedings; one of which shall be returned to the court, and the other to the office of the secretary of state; and such lines shall be deemed in every court and for every purpose the dividing lines between such towns. The court may allow the commissioners a proper compensation for their services, and issue a warrant of distress for its collection from said towns in equal proportions.

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

Plantations.

Sec. 137. Census of larger unincorporated townships, duty of co. com'rs respecting. R. S. c. 4, § 113. Commissioners of counties containing unincorporated townships, shall, at the expiration of every period of five years from March, eighteen hundred and sixty-one, determine from the United States census, when taken the preceding year, and by actual enumeration when not so taken, what townships have not less than two hundred inhabitants, and make a suitable description and designation thereof, and return them to the secretary of state, to be by him recorded.

See c. 29, § 31; 56 Me. 31; 64 Me. 267.

Sec. 138. Organization of such townships. R. S. c. 4, § 114. Immediately after making such return, said commissioners shall issue their warrant to one of the principal inhabitants of each of such unincorporated townships, commanding him to notify the inhabitants thereof qualified to vote for governor, to assemble on a day and at a place named in the warrant, to

choose a moderator, clerk, three assessors, treasurer, collector of taxes, constable, superintending school committee and other necessary plantation officers. Notice of such meeting shall be given by posting an attested copy of the warrant therefor in two public and conspicuous places in the township fourteen days before the day of meeting. The warrant with such inhabitant's return thereon shall be returned to the meeting, and the above named officers shall be chosen and sworn.

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

Sec. 139. Organization of less populous townships. R. S. c. 4, § 115. 1905; c. 2. But any unincorporated or unorganized place containing any number of inhabitants may be organized as follows: one or more of the county commissioners on written application, signed by three or more persons qualified to be voters, inhabitants of any unincorporated or unorganized place in their county, may issue a warrant to one of them, requiring him to warn a meeting of the voters of such place residing within the limits described in the warrant; or, when a state or county tax is laid on such place, the treasurer of state or said commissioners without application therefor, may issue such warrant to one of the principal inhabitants of such place; and in either case the warrant, notice of meeting, and proceedings therein shall be the same as provided in the preceding section.

See c. 10, § 104; 40 Me. 218; 64 Me. 265-6; 83 Me. 367.

Sec. 140. Proceedings at meeting for organization under the two preceding sections. R. S. c. 4, § 116. At the time and place appointed for meetings for the organization of plantations under the two preceding sections, a moderator shall be chosen by ballot by the voters present, to preside at such meeting, and the person to whom the warrant was directed shall preside until such moderator is chosen and by such person sworn. A clerk, three assessors, treasurer and superintending school committee, shall be chosen by ballot, and sworn by the moderator or a justice of the peace. Other plantation officers may be chosen by ballot, or other method agreed on by vote of the meeting, and shall be sworn as above named.

76 Me. 458; 93 Me. 493.

Sec. 141. Copy of proceedings and description of plantation, to be forwarded to sec'y of state; liability for state or county taxes. R. S. c. 4, § 117. Upon the organization of a plantation, the clerk and assessors shall transmit to the secretary of state, to be by him recorded, a certified copy of all proceedings had in effecting such organization, including the petition, if any, the warrant issued therefor and the return thereon, and the record of the meeting held in pursuance thereof, and a written description of the limits of the plantation; and thereupon all laws applicable to organized plantations shall apply to plantations organized as herein provided; but plantations organized upon applications of three or more citizens as above provided, shall not be required to pay state or county taxes unless by special order of the legislature.

40 Me. 218; 76 Me. 458.

Sec. 142. Annual meeting. R. S. c. 4, § 118. Organized plantations shall hold their annual meeting in March, and choose a clerk, three assessors, treasurer, collector of taxes, constable, superintending school committee,

CHAP. 4

one or more surveyors of lumber, and two or more fence viewers; and when money is raised for repair of ways and bridges, the assessors of such plantation shall choose one or more road commissioners, as selectmen of towns do.

See § 16; c. 10, §§ 101, 107; c. 24, § 48.

Sec. 143. Plantation officers' names to be returned to secretary of state; otherwise, no election blanks to be forwarded to such plantation and no votes to be counted. R. S. c. 4, § 119. Clerks of organized plantations shall make return to the secretary of state on blanks by him furnished for that purpose, on or before the first day of September, annually, of the names of the assessors and clerks of their several plantations, and that the same have been sworn. When such return is not made by any such plantation, the secretary of state shall not furnish it with blanks for election returns, and no votes purporting to be cast by such plantation shall be counted or allowed by the governor and council. When a plantation is organized after the first day of July, such return is not required to be made by the clerk thereof during that year; but the votes of such plantations shall not be counted or allowed by the governor and council for any purpose, during the year of its organization, unless it is organized at least sixty days prior to the second Monday in September.

Sec. 144. Laws for town officers apply to plantation officers. R. S. c. 4, § 120. Laws relating to calling, notifying and conducting town meetings, and to the election, appointment, qualification, duties, powers, compensation, liabilities and penalties for official neglect and misconduct of town officers, apply to plantations and their officers, so far as applicable thereto, except when specially otherwise provided. Voters in plantations are liable to the same penalties for unlawful voting as voters in towns.

As to calling meetings and choice of officers, see §§ 2 to 37. As to elections in plantations, see c. 6, §§ 3, 12; c. 7, §§ 75-79. As to penalties, see § 32, also c. 7, §§ 99-123, c. 10, §§ 101 to 104; c. 11, §§ 17, 58; 56 Me. 31.

Sec. 145. Duties of plantation officers. R. S. c. 4, § 121. Assessors of plantations shall be considered the selectmen thereof, for the purpose of performing such duties as selectmen of towns perform. Treasurers, collectors and constables of plantations, shall give such bond as such officers of towns are required to give, to be approved in like manner. The valuation of property for the assessment of taxes in plantations, as well as the assessment, collection and disposal thereof, shall be the same as in towns.

20 Me. 298.

Sec. 146. The first assessors to return to county commissioners an inventory of polls and estates; corrected and forwarded to treasurer of state for basis of taxation. R. S. c. 4, § 122. The assessors first chosen in plantations organized under section one hundred and thirty-eight, shall immediately take an inventory of the polls and valuation of the property therein, as the same are taken in towns, and return them on or before the fifteenth day of May following their election, to the county commissioners of their county, who may examine and correct the same so as to make it conform to the last state valuation, and return a copy of such corrected valuation to the treasurer of state, and thereupon their ratable proportion according to such valuation, of all state and county taxes, shall be assessed on such

plantations in the same manner as on towns; and such plantations, and also such as may by special order of the legislature be required to pay state or county taxes, may raise money by taxation for making and repairing ways in compliance with chapter twenty-four, sections forty-eight and one hundred and eight. Such inventory and valuation in any plantation shall be so taken, corrected and returned to the treasurer of state, whenever required by him.

20 Me. 298.

Sec. 147. Power to raise and expend money for schools, poor, etc. R. S. c. 4, § 123. All plantations may raise and expend money for the support of schools, and making and repairing school-houses, as provided in chapter sixteen, sections sixteen, one hundred and thirteen and one hundred and fourteen; for support of the poor, as provided in chapter twenty-nine, section forty-six; and sums necessary for legal plantation expenses.

See c. 10, §§ 101 to 107; 7 Me. 125, 133; 14 Me. 24; 20 Me. 298; 52 Me. 595, 598; 54 Me. 250.

Sec. 148. Organized plantations to consist of one township. R. S. c. 4, § 124. Organized plantations shall not be composed of more than one township; and when organized under section one hundred and thirty-eight, former organizations cease.

Sec. 149. First valuation of towns to be forwarded to co. com'rs, and copy sent to treasurer of state. R. S. c. 4, § 125. When towns are incorporated, the assessors thereof shall return to the county commissioners of their county the original valuation first taken in their towns, on or before the fifteenth day of May next following their incorporation, and said valuation shall be examined, corrected and a copy thereof returned to the treasurer of state, to become the basis of state and county taxes in the same manner as the valuations of plantations, as provided in section one hundred and forty-six.

Sec. 150. If assessors neglect, the co. com'rs shall appoint assessors to return the valuation. R. S. c. 4, § 126. If such valuation is not made and returned by any town or plantation within the time specified, the county commissioners shall appoint three suitable persons of the county to be assessors therein, who shall be sworn and make and return the inventory and valuation required, within the time fixed by said commissioners; and such valuation shall be examined, corrected and a copy thereof returned to the treasurer of state and become a basis for the assessment of state and county taxes, in the same manner as if the valuation had been taken by the assessors chosen by said town or plantation.

Sec. 151. Such assessors to be paid by the county commissioners. R. S. c. 4, § 127. 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.

CHAP. 4

Sec. 152. Plantations may be reorganized. R. S. c. 4, § 128. Plantations organized upon application of three or more inhabitants, may at any time be reorganized under this chapter.

Note. Election of school committee, c. 16, § 32; of superintendent of schools, c. 16, § 37; of fire wards, c. 30, § 6.

Duties of municipal officers as to lists of voters, c. 5, § 35 et seq; as to elections, c. 6, § 35 et seq; as to forest fire wardens, c. 8, § 29; as to armories, drill rooms and target ranges, c. 15, §§ 90-93; as to licensing auctioneers, c. 41, § 1; pawnbrokers, c. 42, § 1; as to intelligence offices, c. 42, §§ 6, 11; innholders and victualers, c. 31, § 1; public exhibitions, c. 32; as to cultivation of clams, c. 45, § 52; sale of fire-works, c. 130, § 16; appointment of inspectors of flour, c. 44, § 1; inspectors of milk, c. 37, § 12; measurers of salt, corn and grain, c. 48, § 28; inspectors of oils, c. 44, § 25; inspectors of leather, c. 44, § 9; sealers of weights and measures, c. 48, § 5; inspectors of meters, c. 60, § 20.

Municipal officers may enlarge burying-grounds, c. 21, § 8; may direct location of certain trades, c. 23, § 7; c. 30, § 12; shall license engineers of steam plants, c. 23, § 28; may examine defective chimneys and dangerous buildings to guard against fire, or other casualty, c. 30, §§ 13, 34; c. 23, §§ 33-37; may make regulations for keeping explosives and illuminating substances, c. 30, § 20; shall appoint inspector of buildings, c. 30, § 25; shall license erection of steam and gasoline engines, c. 23, § 21; shall enforce law as to dairy products, c. 37, § 6.

Duties of municipal officers to maintain highway monuments, c. 24, § 11, and guide-boards, c. 24, § 108; as to railroad bridges and crossings, c. 56, § 68; as to gates at railroad crossings, c. 56, § 73; as to permits for opening streets, c. 60, § 12; as to permits for erection of poles and wires in streets, c. 60, § 27; as to jury list, c. 111, § 1; as to unlawful assemblies, c. 125, § 12; as to gambling houses, c. 127, § 1.

Towns: May make by-laws as to truants, c. 16, § 63; may establish workhouses, c. 143, § 1; town houses of correction, c. 143, § 7; regulations for taking clams, c. 45, § 59; liability of, for neglect to maintain ferries, c. 27, § 2.

Town treasurer: Duties of, as to standard weights and measures, c. 48, § 4; as to jury list, c. 111, § 1.

Town clerk: Shall forward to state library copies of town reports, c. 3, § 15; shall communicate name of town treasurer to state auditor, c. 4, § 47; shall not draft any instrument which he is required by law to record, c. 12, § 14; shall keep record of births, deaths and marriages, c. 64, §§ 27 and 33; shall notify secretary of local board of health, of any death from tuberculosis, c. 64, § 23; duties as to jury list and draft of jurors, c. 111, §§ 1 and 11.

Assessors: Duties of, as to registration of voters in cities, c. 5, § 9 et seq; as to list of voters in towns, c. 5, § 34; to make enumeration of poultry, c. 9, § 16; to make returns of owners of motor vehicles, c. 26, § 40; to keep record of pure blood cattle kept for breeding purposes, and report to live stock sanitary commissioner, c. 35, § 16; to enforce law as to dairy products, c. 37, § 6; as to itinerant vendors, c. 41, §§ 11-27; as to return of births, c. 64, § 32.

Collector: Duty of, as to itinerant vendors, c. 41, §§ 11-27.

Municipal corporations: Provisions for weekly payment of wages apply to, unless otherwise requested, c. 49, § 34.

Accounts against towns, cities or village corporations to be verified by oath, if required, c. 114, § 10.