

MAINE STATE LEGISLATURE

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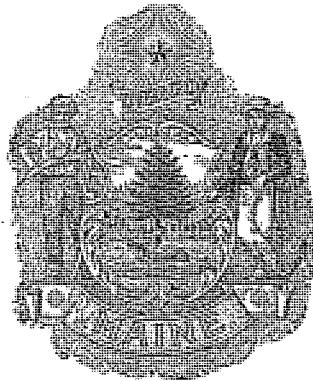
SIXTH REVISION

THE
REVISED STATUTES

OF THE

STATE OF MAINE

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By the Authority of the Legislature

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it over to the clerk or other proper officer designated by vote of the proprietors, and the collector shall have the same power and shall collect the same as collectors of towns are authorized to collect town taxes.

Sec. 47. Proprietor, declining to use land, exempt from payment of taxes. R. S. c. 26, § 69. If any proprietor declines to cultivate, use or take profit from his portion of such lands, and gives written notice of his intention so to do, to the clerk of the proprietors he shall not be regarded as liable to pay any tax or assessment on account of his portion thereof, while he neglects to cultivate, use and take profit therefrom, nor shall he be entitled to vote at the meetings of said proprietors.

Sec. 48. Discontinuance of association. R. S. c. 26, § 70. A two-thirds part in interest of the proprietors entitled to vote at any legal meeting called for that purpose, may discontinue their association, but not to take effect until six months after the vote for that purpose.

CHAPTER 29.

Paupers, Their Settlement and Support.

Sec. 1. Settlements, how acquired. R. S. c. 27, § 1. Settlements, subjecting towns to pay for the support of persons on account of their poverty or distress, are acquired as follows:

I. A married woman has the settlement of her husband, if he has any in the state; if he has not, her own settlement is not affected by her marriage. When, in a suit between towns involving the settlement of a pauper, it appears that a marriage was procured to change it by the agency or collusion of the officers of either town, or of any person having charge of such pauper under authority of either town, the settlement is not affected by such marriage. And no derivative settlement is acquired or changed by a marriage so procured, but the children of such marriage and their descendants have the settlement which they would have had if no such marriage had taken place. And the same rule applies in all controversies touching the settlement of paupers between the town by whose officers a marriage is thus procured and any other town, whether the person whose marriage is thus procured is a pauper at the time of the marriage or becomes so afterwards.

4 Me. 296; 41 Me. 466, 485; 48 Me. 207; 52 Me. 219; 53 Me. 58; 56 Me. 23; 63 Me. 501; 64 Me. 85; 67 Me. 581; 68 Me. 147; 70 Me. 490; 71 Me. 538; 73 Me. 584, 586; 95 Me. 55; 97 Me. 18; 106 Me. 244.

II. Legitimate children have the settlement of their father, if he has any in the state; if he has not, they have the settlement of their mother within it; but they do not have the settlement of either, acquired after they are of age and have capacity to acquire one.

2 Me. 197; 3 Me. 390; 4 Me. 50, 295; 7 Me. 90, 272; 10 Me. 412; 11 Me. 456; 18 Me. 378; 19 Me. 446; 24 Me. 282; 32 Me. 62; 35 Me. 412; 36 Me. 392; 41 Me. 551; 48 Me. 566; 55 Me. 56, 471; 58 Me. 355; 60 Me. 117; 66 Me. 83; 70 Me. 353, 490; 72 Me. 511; 73 Me. 110; 74 Me. 46; 75 Me. 210; 85 Me. 135; 86 Me. 309; 88 Me. 251, 401; 89 Me. 44, 532; 95 Me. 57; 104 Me. 260; 106 Me. 244; 107 Me. 175; 111 Me. 373.

III. Children, legitimate or illegitimate, do not acquire a settlement by birth in the town where they are born. Illegitimate children have the settle-

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ment of their mother, at the time of their birth, but when the parents of such children born after March twenty-four, eighteen hundred and sixty-four, intermarry, they are deemed legitimate and have the settlement of the father.

7 Me. 272; 10 Me. 412; 11 Me. 457; 35 Me. 412; 55 Me. 471; 60 Me. 117; 75 Me. 210; 88 Me. 251, 401; 89 Me. 532; 104 Me. 260.

IV. Upon division of a town, a person having a settlement therein and being absent at the time, has his settlement in that town which includes his last dwelling-place in the town divided. When part of a town is set off and annexed to another, the settlement of a person absent at the time of such annexation is not affected thereby. When a new town, composed in part of one or more existing towns, is incorporated, persons settled in such existing town or towns, or who have begun to acquire a settlement therein, and whose homes were in such new town at the time of its incorporation, have the same rights incipient and absolute respecting settlement, as they would have had in the town where their homes formerly were.

See note by Kent, J., 51 Me. 446; 1 Me. 131; 13 Me. 301; 19 Me. 390; 20 Me. 343; 21 Me. 337; 23 Me. 474; 31 Me. 468; 35 Me. 187; 37 Me. 41; 38 Me. 476; 39 Me. 369; 42 Me. 314, 548; 43 Me. 317; 44 Me. 359; 47 Me. 131; 49 Me. 553; 51 Me. 446, 448; 53 Me. 524; 54 Me. 254; 56 Me. 321; 66 Me. 572; 69 Me. 317; 71 Me. 456; 89 Me. 531; 111 Me. 373.

V. A minor who serves as an apprentice in a town for four years, and within one year thereafter sets up such trade therein, being then of age, has a settlement therein.

10 Me. 358.

VI. A person of age, having his home in a town for five successive years without receiving supplies as a pauper, directly or indirectly, has a settlement therein.

10 Me. 98; 13 Me. 327; 15 Me. 481; 17 Me. 122; 18 Me. 94, 417; 21 Me. 361; 23 Me. 411; 24 Me. 114; 34 Me. 314; 39 Me. 334; 47 Me. 100, 183; 48 Me. 335, 566; 49 Me. 106; 50 Me. 478; 51 Me. 541; 52 Me. 219; 53 Me. 129, 445; 55 Me. 56, 95; 58 Me. 210; 59 Me. 558; 61 Me. 560; 62 Me. 232; 64 Me. 84, 415; 68 Me. 304, 581; 69 Me. 69-71, 507; 70 Me. 443; 72 Me. 256; 73 Me. 109, 111, 231; 74 Me. 155, 237; 85 Me. 135; 87 Me. 41; 89 Me. 531; 95 Me. 56; 97 Me. 31; 98 Me. 495; 105 Me. 155; 106 Me. 245, 397; 111 Me. 373.

See c. 145, § 29.

VII. A person having his home in a town, March twenty-one, eighteen hundred and twenty-one, without having received supplies as a pauper within one year before that date, acquired a settlement therein.

15 Me. 481; 18 Me. 417; 49 Me. 105; 52 Me. 219; 68 Me. 304.

VIII. A person having his home in an unincorporated place for five years without receiving supplies as a pauper, and having continued his home there until the time of its incorporation, acquires a settlement therein. Those having homes in such places for less than five years, before incorporation, and continuing to have them there afterwards, until five years are completed, acquire settlements therein.

11 Me. 457; 21 Me. 61, 269; 30 Me. 453; 33 Me. 580; 55 Me. 119; 66 Me. 572; 89 Me. 531; 111 Me. 373.

Sec. 2. Pauper supplies, how constituted. R. S. c. 27, § 2. To constitute pauper supplies, they must be applied for in case of adult persons of sound mind, by such persons themselves, or by some person by them duly authorized; or such supplies must be received by such persons, or by some person authorized by them, with a full knowledge that they are such sup-

plies; and all care, whether medical or otherwise, furnished to said persons is subject to the same rule.

64 Me. 246; 67 Me. 492; 68 Me. 369; 69 Me. 226; 70 Me. 116; 75 Me. 128; 78 Me. 423; 97 Me. 32; 105 Me. 139.

Sec. 3. Settlements remain; living beyond limits of state causes loss of settlement. R. S. c. 27, § 3. Settlements acquired under existing laws, remain until new ones are acquired. Former settlements are defeated by the acquisition of new ones. Whenever a person having a pauper settlement in a town, has lived, or shall live, for five years in any unincorporated place or places in the state, he and those who derive their settlement from him lose their settlement in such town, and whenever a person having a pauper settlement in any town in the state shall after April twenty-nine, eighteen hundred and ninety-three, live for five consecutive years beyond the limits of the state without receiving pauper supplies from any source within the state, he and those who derive their settlement from him lose their settlement in such town.

55 Me. 119; 58 Me. 355; 71 Me. 456; 77 Me. 594; 85 Me. 127; 96 Me. 502; 99 Me. 20; 107 Me. 176; 106 Me. 246; 111 Me. 371.

Sec. 4. Towns relieving persons, who lose settlement under sec. 3, reimbursed by state. R. S. c. 27, § 4. Whenever a person having a pauper settlement in a town loses such settlement by virtue of the provisions of section three, relief shall be furnished, and towns furnishing such relief shall be reimbursed by the state as provided in section twenty-five of this chapter, in case of paupers having no legal settlement in the state.

106 Me. 242.

Sec. 5. Bridge-tender or toll-keeper. R. S. c. 27, § 5. No person acquires a pauper settlement in a town by reason of his residing in said town as tender of a drawbridge, or as toll-keeper of a bridge owned by another town, and living in a tollhouse owned by such other town.

Sec. 6. Inmates of the National Home at Togus, settlement of. R. S. c. 27, § 6. Inmates of the National Home for Disabled Volunteer Soldiers at Togus, in the county of Kennebec, and persons subject to the rules and regulations thereof, or receiving rations therefrom, have their settlement in the respective towns in which they had a legal settlement when their connection with said National Home commenced, so long as such connection continues therewith.

See c. 7, § 80; 95 Me. 56.

Sec. 7. Towns relieving former inmates, to be reimbursed by state. R. S. c. 27, § 7. If a town furnishes relief to any such person, who becomes a pauper after his connection with said National Home has ceased, having no legal settlement in the state, or to his family, the state shall reimburse such town for the relief furnished, to such an amount as the governor and council adjudge to have been necessarily expended therefor.

Sec. 8. Orphan asylum at Bath. R. S. c. 27, § 8. No child acquires a pauper settlement in the city of Bath, by reason of being an inmate of the Bath Military and Naval Orphan Asylum.

Sec. 9. Soldiers and sailors not to be considered paupers; shall not be supported in the poorhouse; penalty for violation; removal to town of settlement. R. S. c. 27, § 9. 1907, c. 83. No soldier or sailor who served by

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enlistment in the army or navy of the United States, in the war of eighteen hundred and sixty-one, or in the war with Spain, and who has received an honorable discharge from all enlistments in said service, whether in his own proper name or an assumed name, and who has or may become dependent upon any town, shall be considered a pauper, or be subject to disfranchisement for that cause; but the time during which said soldier or sailor is so dependent, shall not be included in the period of residence necessary to change his settlement; and overseers of the poor shall not have authority to remove to, or support in, the poorhouse, any such dependent soldier or sailor or his family; the word "family" here used shall be held to include the soldier or sailor, his wife, his unmarried minor children living with him and dependent upon him for support, and such other unmarried children of his dependent upon him for support, who by reason of mental incapacity or physical disability are unable to provide for themselves; but the town of his settlement shall support them at his own home in the town of his settlement or residence, or in such suitable place other than the poorhouse, as the overseers of the town of his settlement may deem right and proper. In case of a violation of this section the overseers of the poor shall be subject to a fine of twenty-five dollars. And for every day they allow them to remain in such poorhouse, after reasonable notice, they shall be subject to a further fine of five dollars a day, to be recovered by complaint or indictment. This section shall not be so construed as to deprive overseers of the poor of any right to remove and support such dependent soldier or sailor and his family in the town of his settlement, as herein provided.

See c. 4, §§ 51-53; 71 Me. 574; 80 Me. 124; 92 Me. 443.

Sec. 10. Revision of laws does not affect settlements. R. S. c. 27, § 10. Persons who have begun to acquire settlements under existing laws, are not affected by a repeal of them, and a re-enactment of their provisions in substance.

Sec. 11. Towns to relieve poor. R. S. c. 27, § 11. Towns shall relieve persons having a settlement therein, when, on account of poverty, they need relief. They may raise money therefor as for other town charges; and may at their annual meeting choose not exceeding seven legal voters therein to be overseers of the poor.

See c. 4, §§ 12, 57; 83 Me. 221; 91 Me. 21; 105 Me. 138.

Sec. 12. Overseers' duties. R. S. c. 27, § 12. Overseers shall have the care of persons chargeable to their town, and cause them to be relieved and employed at the expense of the town, and the town may direct their employment.

No child under sixteen years of age shall be placed or suffered to remain in an almshouse, c. 64, § 57; see c. 147, § 8; 64 Me. 415; 70 Me. 115; 93 Me. 184.

Sec. 13. When overseers of poor are to be designated by governor to take charge of local immigration. R. S. c. 27, § 13. Whenever the governor has knowledge that, under the provisions of an act of Congress approved August three, eighteen hundred and eighty-two, officers are necessary in any town to take charge of the local affairs of immigration and to provide for the support and relief of immigrants falling into distress, he

shall designate for such duty the board of overseers of the poor and their successors in such town, or any member or members of such board.

Sec. 14. Poor not sold at auction; towns may contract for support. R. S. c. 27, § 14. Persons chargeable shall not be set up and bid off at auction either for support or service; but towns at their annual meetings, under a warrant for the purpose, may contract for the support of their poor for a term not exceeding five years.

Sec. 15. Two or more adjoining towns may maintain union town farm. 1913, c. 54, § 1. Two or more adjoining towns, by vote thereof at an annual town meeting, may purchase or maintain a union town farm in any one of the towns, upon such terms, not inconsistent with the laws of the state, as may be agreed upon by vote of the towns, or by contract of the municipal officers thereof after the votes of the towns have authorized such purchase or maintenance. Existing town farms may be used as union town farms when the towns so agree and contract.

Sec. 16. Paupers may be removed to union farm. 1913, c. 54, § 2. In cases where such union town farms are maintained, the rights of any town composing a part of such union to remove its paupers to the union town farm shall be the same whether said farm is located in the limits of said town or within the limits of some other town which has united for such purpose with said town.

Sec. 17. Joint board of overseers. R. S. c. 27, § 16. 1913, c. 54, § 3. The overseers of the poor of the towns composing such a union shall constitute a joint board of overseers, with the same authority over such union town farm and the inmates thereof as the overseers of the poor of a single town have over the separate farm, and its inmates, of such town. The joint board may choose a chairman and a secretary, but in case they fail to do so, the chairman of the board of overseers of the poor of the oldest town of such union shall act as chairman, and the chairman of the same board of the next oldest town shall act as secretary. They may at a full meeting establish rules for the management of such farm, appoint a superintendent, prescribe his powers and duties, and cause all the paupers of such towns to be supported there. They may receive and support there, paupers of other towns. Towns may raise money for the purposes named in this and the two preceding sections.

See c. 147, §§ 7, 8.

Sec. 18. Kindred liable. R. S. c. 27, § 17. The father, mother, grandfather, grandmother, children and grandchildren, by consanguinity, living within the state and of sufficient ability, shall support persons chargeable, in proportion to their respective ability.

See c. 143, § 15; c. 145, § 29; 23 Me. 427; 45 Me. 370; 51 Me. 415; 53 Me. 61; 64 Me. 202, 203; 66 Me. 539; 79 Me. 44; 85 Me. 282.

Sec. 19. Court on complaint may assess kindred. R. S. c. 27, § 18. A town or any kindred, who have incurred expense for the relief of a pauper, may complain to the supreme judicial court in the county where any of them resides; and the court may cause such kindred to be summoned, and upon hearing or default, may assess and apportion a reasonable sum upon such as are found to be of sufficient ability for the support of such pauper to the time of such assessment; and may enforce payment thereof by war-

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rant of distress. Such assessment shall not be made to pay any expense for relief afforded more than six months before the complaint was filed.

5 Me. 325; 64 Me. 203; 66 Me. 539; 85 Me. 282; 98 Me. 536.

Sec. 20. Complaint filed, may be amended. R. S. c. 27, § 19. Such complaint may be filed with the clerk of the court, who shall issue a summons thereon, returnable and to be served as writs of summons are; and on suggestion of either party that there are other kindred of ability not named, the complaint may be amended by inserting their names, and they may be summoned in like manner, and be proceeded against as if originally named.

See c. 86, §§ 17, 18; 85 Me. 282.

Sec. 21. Assessment for future support; court may order with whom pauper is to live. R. S. c. 27, § 20. The court may assess and apportion upon such kindred a sum sufficient for the future support of such pauper, to be paid quarterly, until further order; and may direct with whom of such kindred consenting thereto, and for what time, he may dwell, having regard to his comfort and their convenience. On application of the town or person to whom payment was ordered, the clerk may issue or renew a warrant of distress returnable to the next term of the court, to collect what may be due for any preceding quarter.

64 Me. 203; 85 Me. 282.

Sec. 22. Court may alter assessment. R. S. c. 27, § 21. The court may, from time to time, make any further order on complaint of a party interested, and after notice given, alter such assessment or apportionment. On failure to sustain a complaint, the respondents recover costs.

64 Me. 203.

Sec. 23. Person of age, may be bound for one year. R. S. c. 27, § 28. Overseers may set to work, or by deed bind to service upon reasonable terms, for a time not exceeding one year, persons having settlements in their town or having none in the state, married or unmarried, able-bodied, upwards of twenty-one years of age, having no apparent means of support and living idly; and all persons liable to be sent to the house of correction.

See c. 143, §§ 1, 6; 93 Me. 184.

Sec. 24. Person bound may complain to court. R. S. c. 27, § 29. A person so bound may complain to the court, in the county where he or the overseers reside, and the court, after notice to the overseers and master, may, upon a hearing, dismiss such complaint, or discharge him from the master and overseers, and award costs to either party or against the town at discretion.

Sec. 25. Persons in unincorporated places needing relief, are under care of overseers of oldest or nearest adjoining town; remedy of towns, so relieving state paupers. R. S. c. 27, § 30. Persons found in places not incorporated and needing relief, are under the care of the overseers of the oldest incorporated adjoining town, or the nearest incorporated town where there are none adjoining, who shall furnish relief to such persons, as if they were found in such towns; and such overseers may bind out persons described in section twenty-three in manner therein provided, residing in such unincorporated place, as if in their own town, and such persons shall be entitled to a like remedy and relief. When relief is so provided, the

towns so furnishing it have the same remedies against the towns of their settlement as if they resided in the town so furnishing relief. And when such paupers have no legal settlement in the state, the state shall reimburse said town for the relief furnished, to such an amount as the governor and council adjudge to have been necessarily expended therefor. And the reasonable expenses and services of said overseers relative to such paupers, shall be included in the amount to be so reimbursed by the state.

16 Me. 139; 55 Me. 96; 60 Me. 155; 65 Me. 598; 68 Me. 593; 90 Me. 515; 99 Me. 20.

Sec. 26. Towns relieving persons removing from unincorporated place, to be reimbursed by state. R. S. c. 27, § 31. When persons residing in an unincorporated place, and having no pauper settlement in the state, remove from such place to any town, and there need relief, and the same is furnished to them by such town, the state shall reimburse said town for such relief so furnished, in the same manner and under the same restrictions as to the amount reimbursed, as provided in the preceding section.

Sec. 27. On request of relieving town, governor and council may permit removal; removed paupers gain no residence; if state is liable, pauper may be removed to a state institution; expenses. R. S. c. 27, § 32. 1913, c. 158. Whenever towns that are compelled to care for and furnish relief to state paupers in unincorporated places, for reasons of economy desire to remove the same into their own town, their overseers of the poor may make a written request, stating their reasons to the governor and council, who shall examine the same, and if in their judgment such state paupers would thereby be supported with less expense to the state, may permit in writing such transfer to be made. Whenever state paupers are thus transferred and maintained in a town for such purposes, they do not become paupers of such town by reason of residence therein, while so maintained. And whenever any person for whose support the state is liable shall be in need of immediate relief, the governor and council may order such person to be removed to any town within the state or placed in the care of any state institution without formal commitment, and such orders shall be carried out by the overseers of the poor of the town required by law to provide relief for such person, or by any official designated by the governor and council. The expenses of such removal shall be paid by the state from the appropriation for support of paupers; provided that no such person or pauper shall be removed into any town, other than a town required by law to provide relief for such person or pauper, without the consent of the overseers of the poor of the town into which it is proposed to move said person or pauper.

Sec. 28. State shall reimburse for relief furnished persons having no legal settlement. R. S. c. 27, § 33. Whenever persons who have no legal settlement within the state, and needing immediate relief, are found in any town, or in unincorporated places and are brought into an adjoining town obliged by law to care for and furnish relief to such persons, and relief is so furnished, the state shall reimburse said town for such relief so furnished, in the same manner and under the same restrictions as provided in section twenty-five although the overseers of the poor of said town have

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no permit in writing from the governor and council to remove the same into their town.

99 Me. 20; 106 Me. 398.

Sec. 29. Limit on bills for relief of state paupers. 1907, c. 113. All bills for support of state paupers shall be filed with the governor and council within three months after the same are contracted, and no such bills shall be allowed unless they are so filed within thirty days after the thirty-first day of December of the year in which they are contracted.

Sec. 30. Certain larger plantations to maintain their paupers. R. S. c. 27, § 34. Plantations having a population of two hundred or more, and a valuation of at least one hundred thousand dollars, shall hereafter support the paupers therein, in the same manner that towns now do, and the expenses therefor shall not be chargeable to the state.

Sec. 31. Persons needing relief in certain plantations, under care of assessors; state paupers not affected. R. S. c. 27, § 35. Persons found in plantations having a population of more than two hundred, to be determined by the returns of the county commissioners, as provided by section one hundred and thirty-seven of chapter four, and a state valuation of forty thousand dollars, and needing relief, are under the care of the assessors of such plantations; and the duties and powers of such assessors relative to such persons, are the same in every respect as overseers of the poor in towns have in like cases; and such plantations shall assess and raise all moneys necessary to defray the expense incurred in the care of such persons; and plantations so furnishing relief, have the same remedies against the towns of their settlement, that towns have in like cases. But this section does not extend to, or affect the laws concerning so-called state paupers or paupers' settlements.

90 Me. 514.

Sec. 32. Individuals may relieve the sick in such places, and bury the dead. R. S. c. 27, § 36. A person residing in a place not incorporated, may provide relief and medical aid for any other sick, wounded or injured resident, and in case of his death may cause him to be buried, and may recover the amount necessarily expended, of the town where such person had a settlement, if, within sixty days thereafter, he has delivered into a post-office, postage paid, a written notice signed by him informing the overseers of such town of the name of the person relieved, the nature of his sickness or injury, if known, and the amount expended. Towns paying such expenses or costs may recover the amount, with interest, of the person relieved, or of any one liable for his support.

65 Me. 598.

Sec. 33. Overseers to relieve persons having settlement in other towns. R. S. c. 27, § 37. Overseers shall relieve persons destitute, found in their towns and having no settlement therein, and in case of death, decently bury them, or dispose of their bodies according to section three of chapter eighteen; the expenses whereof and of their removal incurred within three months before notice given to the town chargeable, may be recovered of the town liable, by the town incurring them, in an action commenced within

two years after the cause of action accrued, and not otherwise; and may be recovered of their kindred in the manner before provided in this chapter.

3 Me. 454; 15 Me. 365; 16 Me. 385; 26 Me. 463; 27 Me. 493; 28 Me. 296; 29 Me. 316; 33 Me. 453; 38 Me. 476; 40 Me. 288; 41 Me. 484; 42 Me. 568; 43 Me. 318; 46 Me. 560; 48 Me. 356, 420; 49 Me. 385, 554; 50 Me. 518; 51 Me. 603; 53 Me. 42, 445; 55 Me. 119; 62 Me. 247; 64 Me. 415; 67 Me. 533; 71 Me. 576; 83 Me. 78; 85 Me. 282; 93 Me. 184; 102 Me. 38; 103 Me. 502; 110 Me. 394.

Sec. 34. Recovery, effect of. R. S. c. 27, § 38. A recovery in such an action against a town estops it from disputing the settlement of the pauper with the town recovering, in any future action brought for the support of the same pauper.

33 Me. 181, 354; 53 Me. 130.

Sec. 35. Overseers' notice and request to town liable. R. S. c. 27, § 39. Overseers shall send a written notice, signed by one or more of them, stating the facts respecting a person chargeable in their town, to the overseers of the town where his settlement is alleged to be, requesting them to remove him, which they may do by a written order directed to a person named therein, who is authorized to execute it.

See c. 143, § 13; 1 Me. 229, 331; 3 Me. 198; 4 Me. 478; 15 Me. 172; 21 Me. 303, 445; 26 Me. 66; 31 Me. 126; 41 Me. 600; 45 Me. 408; 46 Me. 460, 560; 48 Me. 356, 420; 53 Me. 38, 42; 56 Me. 12; 59 Me. 295; 62 Me. 233; 63 Me. 580, 583; 72 Me. 204; 76 Me. 130; 98 Me. 140; 101 Me. 263; 104 Me. 256.

Sec. 36. Answer to be returned within two months. R. S. c. 27, § 40. Overseers receiving such notice shall within two months, if the pauper is not removed, return a written answer signed by one or more of them, stating their objections to his removal; and if they fail to do so, the overseers requesting his removal may cause him to be removed to that town in the manner provided in section thirty-five; and the overseers of the town to which he is sent shall receive him and provide for his support; and their town is estopped to deny his settlement therein, in an action brought to recover for the expenses incurred for his previous support and for his removal.

3 Me. 454; 4 Me. 302; 5 Me. 34; 30 Me. 213; 48 Me. 422; 53 Me. 43; 63 Me. 582; 72 Me. 204; 75 Me. 209; 104 Me. 256.

Sec. 37. Notice and answer by mail sufficient. R. S. c. 27, § 41. When a written notice or answer provided for in this chapter is sent by mail, postage paid, and it arrives at the post-office where the overseers to whom it is directed reside, it is sufficient.

21 Me. 303, 445; 48 Me. 422.

Sec. 38. Overseers' complaint if pauper refuses to be removed to town of settlement; proceedings; person executing order of magistrate has same power as sheriff in executing criminal warrants; fees and costs. R. S. c. 27, § 42. When the removal of a pauper to the town of his alleged settlement is sought, under section thirty-five, and the person to whom the order of the overseers is directed, requests him to go with him in obedience thereto, and he refuses to go, or resists the service of such order, the person to whom it is directed may make complaint in writing, by him signed, of the facts aforesaid, to any judge of a police or municipal court or trial justice within the county where said pauper is then domiciled. Said magistrate shall thereupon, by proper order or process, cause said pauper to

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be brought forthwith before him by any officer to whom the same is directed, to answer said complaint and show cause why he should not be so removed. The complaint may be amended at any time before judgment thereon, according to the facts. The complainant and the pauper shall both be heard and if upon such hearing the magistrate finds that the town to which it is proposed to remove such pauper is liable for his maintenance and support, he shall issue his order, under his hand and seal, commanding the person to whom it is directed to take said pauper and transport him to the town aforesaid, and deliver him to the custody of the overseers of the poor thereof. The person to whom said last named order is directed shall have all the authority to execute the same according to the precept thereof, that the sheriff or his deputy has in executing warrants in criminal proceedings. In the foregoing proceedings, the fees and costs shall be the same as for like services in criminal cases, and shall be paid by the town seeking to remove such pauper.

76 Me. 130.

Sec. 39. Persons removed, returning, may be sent to house of correction. R. S. c. 27, § 43. A person removed, as provided in this chapter, to the place of his settlement, who voluntarily returns to the town from which he was removed, without the consent of the overseers, may be sent to the house of correction or jail as a vagabond.

Sec. 40. Foreign paupers may be removed; exception of families of volunteers. R. S. c. 27, § 44. On complaint of overseers, that a pauper chargeable to their town has no settlement in this state, any judge of a municipal or police court, or trial justice, may, by his warrant directed to a person named therein, cause such pauper to be conveyed, at the expense of such town, beyond the limits of the state to the place where he belongs; but this section does not apply to the families of volunteers enlisted in the state, who may have been mustered into the service of the United States.

Sec. 41. Towns liable to individuals relieving. R. S. c. 27, § 45. Towns shall pay expenses necessarily incurred for the relief of paupers by an inhabitant not liable for their support, after notice and request to the overseers, until provision is made for them.

20 Me. 445; 36 Me. 378; 37 Me. 10; 48 Me. 561; 49 Me. 33; 53 Me. 61; 63 Me. 492; 65 Me. 597; 67 Me. 552; 70 Me. 501; 84 Me. 418; 93 Me. 71; 97 Me. 240; 111 Me. 59; 212 Me. 274.

Sec. 42. Overseers to complain of intemperate paupers. R. S. c. 27, § 46. When a person in their town, notoriously subject to habits of intemperance, is in need of relief, the overseers shall make complaint to a judge of a municipal or police court, or trial justice in the county, who shall issue a warrant and cause such person to be brought before him, and upon hearing and proof of such habits, he shall order him to be committed to the house of correction, to be there supported by the town where he has a settlement, and if there is no such town, at the expense of the county, until discharged by the overseers of the town in which the house of correction is situated, or by two justices of the peace.

11 Me. 212; 51 Me. 460; see c. 143, §§ 7-16.

Sec. 43. Towns may recover of paupers. R. S. c. 27, § 47. A town, which has incurred expense for the support of a pauper, whether he has a

settlement in that town or not, may recover it of him, his executors or administrators, in an action of assumpsit.

186 Mass. 341; 4 Me. 262; 22 Me. 448; 41 Me. 600; 66 Me. 62; 78 Me. 217;
94 Me. 474.

Sec. 44. Overseers to take possession of property of paupers deceased. R. S. c. 27, § 48. Upon the death of a pauper then chargeable, the overseers may take into their custody all his personal property, and if no administration on his estate is taken within thirty days, they may sell so much thereof, as is necessary to repay the expenses incurred. They have the same remedy to recover any property of such pauper, not delivered to them, as his administrator would have.

8 Me. 318.

Sec. 45. May prosecute and defend. R. S. c. 27, § 49. For all purposes provided for in this chapter, its overseers, or any person appointed by them in writing, may prosecute and defend a town.

Sec. 46. Plantations may raise money. R. S. c. 27, § 50. Any plantation, at a legal meeting called for the purpose, may raise and expend money for the support of the poor, to be applied by its assessors.

7 Me. 125, 133; 61 Me. 449.

Sec. 47. Penalty for bringing paupers into a town. R. S. c. 27, § 51. Whoever brings into and leaves in a town where he has no settlement, any poor, indigent or insane person, having no visible means of support, or hires or procures such person to be so brought, or aids or abets in so doing, knowing such person to be poor, indigent or insane as aforesaid, with intent to charge such town in this state with the support of such person, shall be fined not exceeding three hundred dollars, or imprisoned not exceeding one year. And shall be further liable to any town or to the state for such sums of money as are expended by such town or by the state, for the support and maintenance of such person, which may be recovered in an action on the case.

Note. Burial of honorably discharged soldiers and sailors, c. 4, §§ 51-53. Duties of overseers of poor as to notice in case of paupers committed to house of correction, c. 143, § 13.

Towns may make provision for support of abused and neglected children, c. 64, § 61.