

MAINE STATE LEGISLATURE

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CHAPTER 5.

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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.

123 Me. 113.

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.

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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 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; 123 Me. 113.

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; 123 Me. 113.

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; 123 Me. 113.

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 meetings, 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. 13, § 32; c. 14, § 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; 120 Me. 517; *122 Me. 86, 88.

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. Annual town meetings shall be held in March, and the voters shall then choose, by a majority 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, a 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 majority 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 offices. 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, § 107; of road commissioner, § 16; of superintending school committee, c. 19, § 34; of overseers of the poor, c. 33, § 9; of fish warden, c. 38, § 12; compensation of selectmen and assessors, c. 13, § 86.

See § 30, also c. 13, §§ 87, 88; c. 14, § 57; c. 35, § 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; 123 Me. 379.

Sec. 13. Elections for three years. R. S. c. 4, § 13. 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 § 136, ¶ xi.

Sec. 14. Officers chosen by ballot. R. S. c. 4, § 14. 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 may be elected by ballot, or if not so elected, they shall be appointed by the selectmen.

96 Me. 485; *104 Me. 258.

Sec. 15. Vacancy in office of auditor filled by appointment. R. S. c. 4, § 15. 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.

115 Me. 108.

Sec. 16. Town to elect road commissioner or authorize selectmen to appoint; provisions for removal. R. S. c. 4, § 16. 1919, c. 92, § 1. Each town shall hereafter, at its annual meeting, elect by majority vote a road commissioner, who shall hold his office for the term of one year from the date of his election; except that any town may, at its option, by vote at such meeting pursuant to an appropriate article in the warrant calling the same, instruct the selectmen to appoint such road commissioner, in which case the selectmen shall appoint as heretofore; and except, further, that any town may, at its option, by vote at such meeting pursuant to an appropriate article in the warrant calling the same, fix the term of office of said road commissioner at a longer period, not to exceed three years. Any town may, at its option, elect not more than three

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road commissioners, or require their appointment as aforesaid, whose 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 inefficiency or other cause. Upon written complaint made against any road commissioner by ten taxable inhabitants of the town, the selectmen, after notice to such commissioner, shall hold a public hearing thereon within ten days from the filing of the complaint, and if the charges are sustained remove said commissioner forthwith. Selectmen may act as road commissioners. This section shall not apply to cities and towns which choose road commissioners under special acts of the legislature.

117 Me. 73.

Sec. 17. Vacancies in office of road commissioner. R. S. c. 4, § 17. 1919, c. 92, § 2. If a person elected or 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, § 18. 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, § 19. 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.

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. R. S. c. 4, § 20. 1929, c. 86. 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 five, 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 citizen thereof 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. 105, § 2; 70 Me. 564.

Sec. 21. Treasurer to give bond; amount; office of treasurer vacant if bond 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, § 21. 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 lawfully 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, § 22. 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, § 23. 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, § 24. 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,

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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, § 25. 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, § 26. 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, § 27. 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, § 28. 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. 13, § 96; c. 35, § 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, § 29. 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 certificate or any clerk to record such oath within ten days, he forfeits five dollars.

See c. 126, § 19; 12 Me. 234; 17 Me. 444; 48 Me. 443; 58 Me. 518; 79 Me. 472; 84 Me. 378; *109 Me. 474.

Sec. 30. Vacancies in town offices; exceptions. R. S. c. 4, § 30. 1929, c. 154. When by reason of non-acceptance, death, removal, insanity, or other incompetency of a person chosen to a town office, except as provided in sections fifteen, seventeen, and twenty-five 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. 13, §§ 86, 88, 97-103; c. 14, §§ 36, 38, 57; 1 Me. 248; *96 Me. 485; 115 Me. 111.

Sec. 31. Reports by sworn officers not to be verified. R. S. c. 4, § 31. 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, § 32. 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.

Penalty for misconduct of moderators, see § 37; c. 6, § 48; of town clerks, § 29, c. 6, § 48. Penalties imposed upon municipal officers and town clerks for neglect of duties as to selection of jurors, c. 120, §§ 17-21; municipal officers and constables for neglect of duties as to mobs, c. 134, § 16; constables for neglect of duties as to selection of jurors, c. 120, § 18; city officers for neglect as to registration of voters, c. 6, § 31; for neglect to provide armories, c. 18, § 51; for improper use of armories, § 75; c. 18, § 51.

City, town and plantation officers for refusing to allow access to town books or reports, § 63; for neglect of duty as to registration of dogs, § 169; for improper use of sinking fund, § 94; for neglecting to attend perambulation of town lines, § 189; for refusing to be sworn, § 28; c. 13, §§ 96, 97, 103; surveyor refusing to be sworn, c. 51, § 23; c. 53, § 13; for using improper ballot boxes and improperly receiving votes, c. 8, §§ 36, 105, 114; for illegal conduct relating to elections, c. 8, §§ 30, 34, 35, 100-122; for refusing to assess taxes, c. 13, §§ 90, 91, 92; for misapplication of certain fines, c. 24, § 4; for refusing to prosecute persons for sale of intoxicating liquors, c. 137, § 24; for not appointing a sealer of weights and measures, c. 53, § 8.

Town treasurers for wilfully withholding deeds of lands sold for taxes, c. 14, § 81; for neglect of duties as to weights and measures, c. 53, § 10.

Constables and collectors of taxes for refusing to give receipts, c. 14, § 16; for neglecting to make exhibit to municipal officers once in two months, c. 14, § 35; for neglecting to pay over money collected, c. 14, § 37.

Fence viewers, c. 32, §§ 15, 17; fire wards, c. 35, § 6; auctioneers, c. 46, §§ 3, 4, 5. Municipal officers and fire engineers, for neglect of duty as to protection against fires, c. 35, § 44; for neglect to report or investigate fires, c. 35, § 57.

Road commissioner for neglect of duty, c. 27, § 77.

37 Me. 90.

Sec. 33. Moderator to be first chosen; his duties. R. S. c. 4, § 33. 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, § 34. 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, § 35. 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. Sections 1-35 inapplicable to state elections. R. S. c. 4, § 36. 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, § 37. 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.

Authority to Elect by Secret Ballot.

Sec. 38. Provisions to be accepted by town at legal meeting. 1921, c. 70, § 1. Any town may, at any legal meeting called by a warrant containing an article for the purpose, accept the provisions of sections thirty-eight to fifty-two inclusive of this chapter and when so accepted, all elections for town officers now required by law to be chosen by ballot, shall thereafter except as provided in section forty-four be in accordance with the provisions herein provided, except the moderator, who shall be chosen as now provided by law.

Sec. 39. At same meeting voters to determine what officers to be elected by ballot; changes, how made. 1921, c. 70, § 2. When any town so accepts the provisions of said sections thirty-eight to fifty-two inclusive it shall at the same time or meeting determine what officers, if any, not now required by law to be chosen by ballot, shall be chosen in the manner herein provided. All such matters shall be stated in the warrant calling such meeting. No change shall be thereafter made in the officers to be chosen by ballot or in the number or terms thereof except at a meeting held at least thirty days before any annual town election.

Sec. 40. Opening and closing of polls. 1921, c. 70, § 3. All warrants for town meetings for the election of officers as herein provided shall specify the time of opening the polls and the time when the same may be closed; but the polls shall be kept open at least four hours, and the method of voting shall be as in gubernatorial elections.

Sec. 41. Nomination of candidates, how made. 1921, c. 70, § 4. Nominations for candidates may be made at a caucus, or by nomination papers signed in the aggregate for each candidate by qualified voters of said town not less in number than one for every fifty voters, who have registered for the last preceding state election in said town; but the voters so signing shall in no case be less than twenty-five in number. Each voter signing such nomination paper shall add to his signature his place of residence with the street and number thereof, if any; and each voter may subscribe to as many nomination papers for each office as there are members to be elected thereto and no more.

Sec. 42. Certificates of caucus nominations. 1921, c. 70, § 5. All certificates of caucus nominations shall be signed by the chairman and secretary of the caucus. Such certificates and nomination papers shall, besides containing the names of candidates, specify as to each candidate the office for which he is nominated.

Sec. 43. Filing of certificates of nomination and nomination papers. 1921, c. 70, § 6. Certificates of nomination shall be filed with the town clerk of said town at least eight days previous to the day of election, and nomination papers shall be so filed at least six days previous to the day of election. The certificates of nomination and nomination papers being so filed, and being in conformity with the provisions of said sections thirty-eight to fifty-two inclusive, shall be deemed to be valid unless objection thereto is duly made in writing. Such objections or questions arising in the case of nominations shall be considered by the selectmen of said town, and the decision of a majority of the selectmen shall be final. In case such objection is made, notice shall forthwith be delivered to the candidates affected thereby. All certificates of nomination and

nomination papers when filed shall be open under proper regulations to public inspection, and the town clerk shall preserve the same in his office for not less than one year.

Sec. 44. Form of ballots and by whom prepared; selectmen; number to be elected to be determined by voters; how their names shall be printed on the ballot; questions to be submitted to voters. 1921, c. 70, § 7. All ballots for use in such elections shall be prepared by the town clerk. Every general ballot, or ballot intended for the use of all voters, which shall be printed in accordance with the provisions of said sections thirty-eight to fifty-two inclusive, shall contain the names of all candidates whose nominations for any offices specified in the ballot have been duly made, and shall contain no other names. The names of candidates for each office shall be arranged under the designation of the office in alphabetical order according to surnames, but candidates for selectmen, assessors, and overseers of the poor respectively, shall be named and designated in the ballot in as many groups as the town shall by vote have determined there are to be individuals on any such board. Previous to balloting the voters may determine by majority whether to elect three, five, or seven selectmen, assessors, or overseers of the poor respectively. Without such determination three shall be elected. The three (or if so determined five or seven) having the largest number of votes shall be declared elected. There shall be left at the end of the list of candidates for each different office as many blank spaces as there are persons to be elected to such office, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote as candidate to such office. Whenever any question is submitted to the vote of the people of the town, in accordance with a statute providing for such submission, such question shall be printed upon the ballot after the list of candidates. The ballots shall be so printed as to give each voter a clear opportunity to designate by a cross mark (X) in a square at the right of the name and designation of each candidate, his choice of candidates and his answer to the question submitted, and in the ballot may be printed such words as will aid the voter to do this, as "vote for one," "vote for three," "yes," "no," and the like. Before distribution the ballots shall be so folded in marked creases as to measure when folded not less than four and one-half nor more than five inches in width and not less than six nor more than thirteen and one-half inches in length. On the back and outside, when folded, shall be printed "Official Ballot for the Town of _____," and the date of election, and the signature or facsimile of the signature of the town clerk.

Sec. 45. Town clerk to preserve record of number of ballots. 1921, c. 70, § 8. All ballots when printed shall be folded as hereinbefore provided and fastened together in convenient numbers in packages, books, or blocks, in such manner that each ballot may be detached and removed separately. A record of the number of ballots printed and furnished shall be kept and preserved by the town clerk.

Sec. 46. Number of ballots to be prepared. 1921, c. 70, § 9. There shall be provided for every such election such general ballots, of not less than seventy-five for each fifty and fraction of fifty registered voters therein.

Sec. 47. Town clerk to prepare cards of instruction and sample ballots. 1921, c. 70, § 10. The town clerk shall provide full instructions for the guidance of voters at such elections, as to obtaining ballots, as to the manner of marking them, and the method of obtaining assistance, and as to obtaining new ballots in place of those accidentally spoiled; and shall cause the same, together with copies of sections twenty, twenty-one, ninety-four, and ninety-five of chapter

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eight of the revised statutes, to be printed in clear type, on separate cards, to be called cards of instruction. He shall also cause to be printed on tinted paper, and without the endorsements, ten or more copies of the form of the ballot provided for such election, which shall be called specimen ballots, and shall be furnished with the other ballots provided therefor.

Sec. 48. Town clerk to post list of candidates four days prior to election. 1921, c. 70, § 11. At least four days prior to the election, the town clerk shall cause to be conspicuously posted in one or more public places a printed list containing the names and residences of all candidates to be voted for in such town, and any designation as provided in section forty-two, substantially in the form of a general ballot to be so used therein.

Sec. 49. Ballots, cards of instructions, etc., to be put up in sealed packages. 1921, c. 70, § 12. The ballots, together with the specimen ballots and cards of instruction printed by the town clerk as herein provided, shall be packed by him in sealed packages, with marks on the outside designating the number of ballots of each kind enclosed.

Sec. 50. Ballot clerks. 1921, c. 70, § 13. Before the opening of the polls the selectmen shall appoint the necessary number of ballot clerks, and in case of vacancies after the opening of the polls the moderator shall fill the same. The ballot clerks shall be sworn and have charge of the ballots and shall furnish them to the voters in the manner hereinafter provided.

Sec. 51. Delivery of ballots at polling places; not to be delivered until moderator is chosen; ballot clerks to be furnished with duplicate check-list. 1921, c. 70, § 14. The town clerk shall, before the opening of the polls on the day of election, deliver the ballots to the ballot clerks, who shall receipt therefor, which receipt shall be kept in the clerk's office. Before the opening of the polls the town clerk shall cause the cards of instructions to be posted at or in each voting shelf or compartment provided for the marking of the ballots, and not less than three such cards and not less than five specimen ballots to be posted in or about the polling room, outside the guard-rails. No ballots prepared under said sections thirty-eight to fifty-two inclusive shall be delivered to voters until the moderator shall have been chosen in the manner now provided by law. A duplicate list of the qualified voters shall be prepared for the use of the ballot clerks, and all provisions of law relative to the preparation, furnishing, use, and preservation of check-lists shall apply to such duplicate lists.

Sec. 52. Officers to be elected by plurality vote; procedure in case of a tie. 1921, c. 70, § 15. Except as provided in sections thirty-eight to fifty-two, inclusive, the election shall be conducted as provided by law. All officers voted for in the manner as provided in sections thirty-eight to fifty-two inclusive shall be elected by a plurality vote. In case of failure to elect any officer or officers so voted for by reason of a tie vote, the meeting shall be adjourned to a day certain, when such officer or officers shall be chosen as herein provided.

Old Home Week

Sec. 53. Old Home Week. R. S. c. 40, § 38. 1917, c. 14. The week commencing with the second Sunday in August of each year, or any week a town may designate, at its annual town meeting, is hereby designated and set apart as old home week.

Wards of Cities. Election of City Officers.

Sec. 54. Wards in cities, change or alteration in limits of, how made. R. S. c. 4, § 38. 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. 55. Election of assessors and subordinate officers; term. R. S. c. 4, § 39. 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. 56. Additional assistant assessors in cities. 1921, c. 128, § 1. In addition to the number of assistant assessors elected or appointed under provisions of any city charter, the municipal officers of cities may authorize assessors of their respective cities to appoint such number of assistant assessors as public exigency requires. The employment of such assistant assessors shall not extend beyond the period of the municipal year during which they are appointed.

Sec. 57. Vacancies in office of constable in cities, how filled. 1927, c. 79. If in any city a vacancy occurs in the office of constable, either through the failure of a duly elected or appointed constable to qualify by filing his bond within thirty days after his election or appointment, or through the death, resignation, or removal of a qualified constable, or through the failure of any ward or precinct to elect its allotted number of constables, the municipal officers may fill such vacancy by appointing a constable whose term of office shall expire at the same time as it would if he had been elected at the preceding annual city election.

Sec. 58. Wardens and clerks in cities, how elected; term. R. S. c. 4, § 40. 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. 59. Mayor has deciding vote in choice of officers; appointees of mayor and aldermen, removal. R. S. c. 4, § 41. 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 deciding 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. 60. Town officers not to act when pecuniarily interested. R. S. c. 4, § 42. 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.

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Sec. 61. Interests in municipal contracts prohibited. R. S. c. 4, § 43. 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; *117 Me. 297.

Sec. 62. Enforcement of §§ 60 and 61. R. S. c. 4, § 44. The supreme judicial court in equity, or the superior 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. 91, § 36, ¶ xiii.

Sec. 63. Selectmen and treasurer to make reports; printed reports to be distributed before annual meeting; all town books to be open for public inspection; penalty for refusal or neglect. R. S. c. 4, § 45. 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, 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. 4, § 16; 118 Me. 365.

Sec. 64. Assessors to keep a record of persons moving into and from towns and plantations. R. S. c. 4, § 46. 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. 65. Notice of election of town treasurer. R. S. c. 4, § 47. 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.

City and Town Records.

Sec. 66. Cities and towns to provide safes and vaults. R. S. c. 4, § 48. 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. 67. Clerks to make return of books of record and registry. R. S. c. 4, § 49. The clerks of all cities and towns shall, in the month of December in each year, make a return to the clerks of the judicial courts 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. 68. Penalty for neglect of § 66. R. S. c. 4, § 50. Any city or town which neglects to perform the duties prescribed by section sixty-six 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.

Sec. 69. Attesting of records of city and town clerks by volume. 1929, c. 70. The records of the city and town clerks in the several cities and towns of thirty-five thousand inhabitants and over may be attested by volume, and it shall be a sufficient attestation of each document recorded therein when each volume thereof bears the attest with the written signature of the clerk or other person authorized by law to attest such records.

Burial of Honorably Discharged Soldiers and Sailors.

Sec. 70. State to pay burial expenses of destitute soldiers and sailors and their widows. R. S. c. 4, § 51. 1917, c. 59, § 1. 1919, c. 97. 1921, c. 130. Whenever any person who has served in the army, navy, or marine corps of the United States 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 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 one hundred dollars in any case, and the burial shall be in some cemetery not used exclusively for the burial of the pauper dead.

93 Me. 101.

Sec. 71. Cities and towns to pay such expenses and to be reimbursed by state; such person not to be constituted a pauper. R. S. c. 4, § 52. 1917, c. 59, § 2. 1919, c. 114. 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 adjutant-general of the

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state to the effect that such person was an honorably discharged soldier or sailor, or the widow of an honorably discharged soldier or sailor.

93 Me. 101.

Armories.

Sec. 72. Armories to be provided by cities and towns; also places for parade; rent to be allowed by state. R. S. c. 4, § 54. 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, 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.

Sec. 73. Construction of armories. Conditions under which state aid may be procured. 1919, c. 239, § 1. Any city or town may procure state aid for the construction of an armory within its limits upon compliance with the following terms and conditions:

(a) The municipal officers of any city or town having one or more organizations of the national guard or naval militia located therein or who desire to form such organizations within its limits may notify the armory commission in writing of their desire and intention to erect an armory and shall designate and furnish a plot of ground suitable and sufficient for an armory.

(b) If the armory commission shall decide that the location is suitable for an armory and that the locality is such that a military or naval organization can be formed and maintained within its limits in accordance with the requirements of the military law and the regulations of the war department, the armory commission shall so notify the municipal officers of the town or city, and the armory commission shall, after the city or town has acquired good and sufficient title to such plot of ground, furnish to the city or town plans and specifications for an armory adapted to the locality. The municipal officers shall, under the supervision and subject to the approval of the armory commission, let contracts for the construction of the armory in accordance with the plans and specifications furnished by the armory commission.

(c) The municipal officers of the town or city shall at all times keep the armory commission fully advised as to the condition of the work and degree of progress toward the armory, and shall furnish the armory commission every opportunity for inspection and investigation which the armory commission shall require, and shall make any alterations in the plans or specifications which the armory commission may request.

(d) The inspector to certify the progress, performance, and completion of the contracts in accordance with the plans and specifications of the armory commission shall be selected by the municipal officers of the city or town and approved by the armory commission.

Sec. 74. Reimbursement by state. 1919, c. 239, § 2. Any city or town constructing an armory in compliance with terms of the preceding section shall be reimbursed by the state, out of any moneys in the treasury not otherwise appropriated, to an amount equal to one-half of the cost of constructing such armory building. But the reimbursement aforesaid is not to exceed a total of fifty thousand dollars to any one city or town, and shall be made in instalments in the fol-

lowing manner and amounts: When and as each payment falls due and is payable from the city or town for work performed and material furnished in accordance with the contract provided for in the preceding section, such city or town shall be entitled to receive from the state treasury a sum equal to one-half of such instalment then due and payable from the city or town to the contractor; provided, however, that the armory commission shall have certified in writing to the state treasurer that such instalment is justly due and payable from the city or town for work performed and material furnished in conformity to the aforesaid contract; provided also that the city or town shall have deposited with the state treasurer a recorded deed conveying to the state a good and sufficient title to the armory lot and building; and provided further that not more than three such armories shall be erected during the two-year term of any legislature.

Sec. 75. Armories constructed under two preceding sections to be for exclusive use of national guard; exceptions. 1921, c. 123. All armories erected under the provisions of the two preceding sections shall be subject to the provisions of section fifty-one of chapter eighteen; but nothing herein contained shall be construed to prevent the use of any armory erected under the provisions of said two preceding sections for such other purposes, not interfering with its use for military purposes, as the municipal officers may authorize.

Street Sliding.

Sec. 76. Street sliding may be restricted. R. S. c. 4, § 55. Municipal officers may designate public streets, roads, or sidewalks whereon no person shall slide with any vehicle under a penalty of not more than 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. 77. Record of such restriction to be made. R. S. c. 4, § 56. 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 Money and to Hold Money in Trust.

Sec. 78. Purposes for which money may be raised. R. S. c. 4, § 57. 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. 18, §§ 51-54; for schools, see c. 19, §§ 16, 25-27, 91, 93; for ways, c. 27, § 88; for ways and bridges, c. 28, § 19; for paupers, c. 33, § 9.

As to power to aid in construction of railroads, see c. 63, §§ 41-46.

Sec. 79. Other purposes for which cities and towns may raise money. R. S. c. 4, § 58. 1919, c. 138. 1923, c. 101. 1925, c. 129. 1925, c. 140. Cities and towns may raise money to procure the writing and publication of their histories,

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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, armistice day, or any other day set apart for patriotic commemoration, firemen's memorial Sunday, and of old home week; to hire a public nurse; to subsidize a physician to induce him or her to settle in said town; to grant additional aid to the blind in accordance with section nineteen of chapter one hundred fifty-eight; and a sum not exceeding five thousand dollars in any one town for erecting a suitable monument or memorial in memory of the soldiers and sailors who sacrificed their lives in defence of their country in the war of eighteen hundred and sixty-one, or in the world war, and a reasonable sum to secure, grade, and care for a lot appropriate for such a monument or memorial. They may also raise money to be expended for exterminating or controlling brown tail and gipsy moths and other insect pests.

See c. 43, § 10; 59 Me. 494.

Sec. 80. Cities and towns may raise money to maintain band. 1927, c. 24. Cities and towns may raise money for the maintenance or employment of a band of music for municipal purposes and public celebrations. The provisions of this section shall not be in force in any city or town unless approved by a majority vote of the qualified voters of such city or town at an annual election.

Sec. 81. Cities, towns, and plantations to decorate graves of soldiers and sailors. 1917, c. 57. Each and every city, town, and plantation by its town or plantation officers, is hereby required to decorate the graves of veterans (soldiers and sailors) with an American flag and such other floral decorations as in the opinion of said town, city, or plantation officers shall be deemed advisable, on Decoration Day, May thirtieth of each year. Each and every said city, town, and plantation is hereby empowered to raise by taxation a sufficient amount of money to pay for said American flags and other floral decorations above mentioned.

Sec. 82. Appropriation for advertising. R. S. c. 4, § 59. 1917, c. 87. 1925, c. 102. Any city or town 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 the state or such city or town.

Sec. 83. Cities and towns may refund indebtedness; temporary loan; securities, when due and payable. R. S. c. 4, § 62. 1921, c. 48. 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, and for any purpose for which the city or town can raise money or incur debt, and may issue and negotiate their notes, to an amount which shall not exceed in the aggregate the total tax levy of the preceding municipal year, for temporary loans to be paid during the year in which they were made, out of the money raised during such current year by taxes, provided that the vote authorizing such notes states that they are to be paid out of money so raised. 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 tem-

porary 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. 56, § 117; property of inhabitants may be taken to pay debts, c. 56, § 116.

Sec. 84. Municipal corporations may contract for water, gas, and electric light. R. S. c. 4, § 63. 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; 118 Me. 373, 390, 461.

Sec. 85. Fuel yards. R. S. c. 4, § 64. 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. 86. Towns may raise money for propagation of fish. R. S. c. 4, § 65. 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.

Sec. 87. Doings of towns in suppression of the rebellion made valid. R. S. c. 4, § 66. 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. 88. War contracts valid. R. S. c. 4, § 67. 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. 89. Unauthorized war contracts may be ratified. R. S. c. 4, § 68. 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 eighty-seven.

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

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Sec. 90. Municipal officers authorized to call meetings to accept legacies and gifts; notice. R. S. c. 4, § 69. 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. 91. Cities and towns may raise money to carry into effect terms of will or gift; to apply only to gifts, etc., for certain purposes. R. S. c. 4, § 70. 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. 24, § 19; 105 Me. 374.

Sec. 92. Towns may receive money in trust. R. S. c. 4, § 71. 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 monuments, and for the benefit of public cemeteries and lots therein; provided, that the city or town lawfully consents.

See c. 24, §§ 14-19; 85 Me. 132, 511; 105 Me. 374.

Sec. 93. Investment of trust funds. R. S. c. 4, §§ 60, 72. 1917, c. 251. 1923, cc. 170, 222, § 1. 1929, c. 273. Any city or town which has a funded indebtedness may create a sinking fund for the payment and redemption of such

indebtedness and may raise money by taxation for such purpose. City and town officers and officers of quasi-municipal corporations shall hereafter invest all permanent funds including sinking funds, permanent school funds, and money or credits deposited with them for perpetual care of lots in cemeteries, in the legal obligations of the United States of America; the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and Pennsylvania, and the bonds of the several counties, cities, and towns in the several states above named which are the direct obligation of said counties, cities, and towns, or may deposit the same on time deposit in banks or trust companies, organized under the laws of this state or of the United States, and not otherwise; and unless otherwise specifically provided by the terms of the grant or bequest the annual income, only, shall be expended in performance of the requirements of the trust. Provided that this section shall not be construed to require any change of investments made prior to July 7, 1923. But when the indebtedness for payment of which a sinking fund is created is refunded or paid by such city or town by a new loan, any stocks, bonds or securities in said sinking fund, other than its own bonds, may be withdrawn therefrom and shall not be regarded as pledged for payment of the new loan unless afterward returned to the sinking fund.

Sec. 94. How funds may be used; penalty for misuse. R. S. c. 4, § 61. 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 a fine of not more than two thousand dollars or by imprisonment for not more than two years.

Sec. 95. Fund applied according to directions of donor. R. S. c. 4, § 73. 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.

National Forest Funds

Sec. 96. National Forest Funds, distribution; use for schools and roads. 1929, c. 240. All sums received by this state from the United States on account of the national forests in this state established under the provision of the "Weeks Law," so-called, being an act of Congress approved March one, nineteen hundred and eleven, and amendments thereto, shall be distributed as herein provided.

Said funds shall first be apportioned by the state treasurer among the several organized towns and unorganized places in which such national forest is or may be situated, in proportion to the area of such national forest in each, as determined by the forest service of the United States department of agriculture.

The several sums so apportioned to each organized town shall be paid over by the state treasurer, within sixty days after receipt thereof, to the treasurer of such town, and shall be expended for the benefit of the public schools and public roads of such town, in addition to the sums required by law to be raised for such purposes, in such manner as may be determined by appropriations duly made by town meetings in such town.

All sums so apportioned to unorganized places shall be expended for the benefit of public schools and public roads in the counties in which such places are located, in such manner as the governor and council may from time to time determine.

Accounting System for Cities, Towns, and Village Corporations.

Sec. 97. Cities, towns, and village corporations may have accounts audited by state auditor, or have accounting system installed. 1923, c. 161, § 1. Any city, town, or village corporation in the state may petition the state auditor for an audit of its accounts or for an installation of an accounting system, and the auditor, as soon as possible after the receipt of such petition, shall cause such an audit to be made or system of accounts to be installed. Any city, town, or village corporation at a meeting legally called therefor, after such accounting system has been installed, may petition for subsequent audits, or may by ordinance or resolution provide for subsequent audits under the supervision of the state auditor, who shall cause such audits to be made. The selectmen or assessors may petition said auditor for an audit of the town or village corporation accounts when in their opinion the condition of the accounts is such as to warrant the making of such audit, and said auditor, as soon as possible after the receipt of such petition, shall cause such audit to be made.

Sec. 98. State auditor to cause an audit or installation of accounting system in cities. 1923, c. 161, § 2. Any city may, by vote of its city council, petition the auditor for an audit of its accounts or for the installation of an accounting system, and said auditor as soon as possible after the receipt of such petition, shall cause such audit to be made or accounting system installed.

Sec. 99. Accounting system installed to be subject to state auditor's approval; books, forms, and supplies may be supplied by state auditor. 1923, c. 161, § 3. The accounting systems installed in accordance with this chapter shall be such as will, in the judgment of the auditor, be most effective in securing uniformity of classification in the accounts of such cities, towns or village corporations. The auditor may supply approximately at cost to cities, towns, and village corporations where such accounting systems have been installed such books, forms, or other supplies as may be required from time to time after the original installation of such systems.

Sec. 100. Report of audit to be rendered to municipal officers. 1923, c. 161, § 4. Upon the completion of an audit under sections ninety-seven and ninety-eight of this chapter, the auditor shall render a report to the municipal officers, embodying the results of his findings, with such suggestions as he may deem advisable for the proper administration of the city, town, or village corporation.

Sec. 101. Expenses to be paid by state in first instance, and amounts assessed by towns and paid into state treasury. 1923, c. 161, § 5. The expenses incurred under sections ninety-seven to one hundred inclusive, shall be paid in the first instance by the state; and the treasurer of state shall issue his warrant requiring the assessors of the cities, towns, and village corporations concerned to assess a tax to the amount of said expense, and such amounts shall be collected and paid to the treasurer of state in the same manner and subject to the same penalties as state taxes. Any balance due shall be assessed in the succeeding year in the same manner as other state taxes.

Sec. 102. State auditor to furnish municipal assessors schedules for uniform returns; he may prescribe forms; to collect information pertaining to municipal affairs. 1923, c. 161, § 6. The state auditor shall annually furnish to the auditor

or other accounting officer of each city, town, or village corporation availing itself of the benefits of sections ninety-seven to one hundred and six inclusive schedules so arranged as to provide for uniform returns giving detailed statements of all receipts classified by sources, and all payments classified by objects, for its last fiscal year; a statement of the public debt showing the purpose for which each item of the debt was created and the provision made for the payment thereof; and a statement of assets and liabilities at the close of the fiscal year. The state auditor may in all cases, where cities, towns and village corporations shall avail themselves of the benefits of sections ninety-seven to one hundred six inclusive prescribe standard forms intended to promote the systematic accounting of financial transactions and the publication of same in the report of the city, town or village corporation. He shall collect from the proper local authorities such other information pertaining to municipal affairs as in his judgment may be of public interest.

Sec. 103. State auditor to investigate systems of municipal accounting. 1923, c. 161, § 7. The state auditor shall inquire into the systems of accounting of public funds in all cities, towns, and village corporations and it shall be the duty of all municipal officers to furnish information relative thereto on such forms as he may prescribe.

Sec. 104. Statistics of financial affairs of municipalities to be published by state auditor. 1923, c. 161, § 8. The state auditor shall publish biennially statistics relative to the financial affairs of cities, towns, and village corporations and other information of public interest pertaining to municipal affairs, said part of his report to be printed and distributed as a separate document, if he believes it to be advisable.

Sec. 105. Necessary clerical assistants and examiners to be employed. 1923, c. 161, § 9. The state auditor shall employ necessary clerical assistants and one or more examiners as may be necessary to carry on the work provided for in sections ninety-seven to one hundred six inclusive of this chapter.

Sec. 106. Attendance of witnesses and production of books and documents required. 1923, c. 161, § 10. The state auditor may require the attendance of witnesses and the production of books and documents and may examine witnesses under oath in all matters arising under the provisions of sections ninety-seven to one hundred six inclusive of this chapter.

Public Parks, Squares, Playgrounds, and Shade Trees.

Sec. 107. Towns and cities may choose park commissioners. R. S. c. 4, § 84. 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. 108. Towns may receive devises and gifts for public parks and playgrounds. R. S. c. 4, § 85. 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. 109. Village corporations may hold land for park purposes. R. S. c. 4, § 86. Village corporations chartered by the legislature may take and hold

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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. 110. Land taken for parks, squares, public libraries, and playgrounds. R. S. c. 4, § 87. 1925, c. 97. 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 the city council, 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; 124 Me. 510.

Sec. 111. Proceedings by municipal officers. R. S. c. 4, § 88. 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, 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. 112. Appeal from estimate of damages; damages, how paid. R. S. c. 4, § 89. Any person aggrieved by the estimate of damages may have them determined by written complaint to the superior 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. 27, § 20; 98 Me. 131; *103 Me. 436; 105 Me. 418, 578; 106 Me. 147.

Sec. 113. Preservation of trees along public ways; parkways. R. S. c. 4, § 90. 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 one hundred ten, one hundred eleven, and one hundred twelve 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 one hundred seven 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 one hundred ten, one hundred eleven, and one hundred twelve 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. 114. Arbor Day. R. S. c. 40, § 37. The governor shall annually set apart a day in the spring as Arbor Day, and shall issue a proclamation recommending that it be observed by the people of the state in the planting of trees, shrubs, and vines, in the adornment of public and private grounds, places and ways, and in such other efforts and undertakings as shall be in harmony with the general character of a day so established.

Sec. 115. Land may be cleared for public ways; further award of damages; licenses to owners to make improvements. R. S. c. 4, § 91. Section one hundred thirteen 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 section one hundred thirteen 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 section one hundred thirteen. 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 one hundred thirteen. 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. 116. Failure to elect park commissioners; towns may appropriate money. R. S. c. 4, § 92. 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, except as hereinafter provided in sections one hundred eighteen to one hundred twenty-five inclusive. Cities and towns may appropriate money for the purposes of the three preceding sections, and said sections shall apply to every town, although containing less than one thousand inhabitants.

Sec. 117. Penalties. R. S. c. 4, § 93. Whoever violates any provisions of sections one hundred thirteen and one hundred fifteen of this chapter shall be punished by a fine of not more than 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.

117 Me. 17.

Sec. 118. Trees within highway limit public shade trees. 1919, c. 219, § 1. All trees within or upon the limits of any highway marked as hereinafter provided are hereby declared to be public shade trees. The tree wardens in the several cities and towns, as soon as may be after they are appointed as hereinafter provided, shall carefully examine the trees along the highways under their

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jurisdiction and plainly mark such trees as they consider should be controlled by the municipality. The forest commissioner shall furnish to the municipal officers of the several cities and towns, at cost, galvanized iron disks not more than one inch in diameter, which disks shall have stamped on them the letter "M." Said disk shall be inserted in each tree, selected as above provided, at a point not less than three feet nor more than six feet from the ground on the side toward the highway. It shall be the duty of the tree warden, if any tree marker shall be destroyed or defaced, to renew or replace the same.

Sec. 119. Park commissioners to have supervision of trees. 1919, c. 219, § 2. All public shade trees shall be under the care and control of park commissioners in cities and towns which now or hereafter may appoint such commissioners in accordance with sections one hundred seven to one hundred seventeen inclusive of this chapter. As to all such trees said park commissioners shall have the powers and duties hereinafter conferred upon tree wardens.

Sec. 120. Tree wardens, appointment and duties. 1919, c. 219, § 3. The municipal officers of cities and towns not having elected park commissioners as provided by sections one hundred seven to one hundred seventeen of this chapter, may at any annual meeting or meetings called for that purpose appoint one or more tree wardens, who shall have the care and control of all public shade trees upon and along such highways and in the parks thereof and all streets within any village limits and shall enforce all laws relative to the preservation of the same.

Sec. 121. Comparative powers of owners of soil and tree wardens as to removal of trees. 1919, c. 219, § 4. Public shade trees may be trimmed, cut down, or removed by the owner of the soil only with the consent of a tree warden or park commissioner, but such trees shall not be trimmed, cut down, or removed in any case by a tree warden or park commissioner except with the consent of such owner. Nothing in this section, however, shall be construed to prevent the trimming, cutting, or removal of trees where such trimming, cutting, or removal is ordered by proper authority to lay out, alter or widen the location of highways, to lessen the danger of travel on highways or to suppress tree pests or insects.

Sec. 122. Appropriation for compensation of tree wardens. 1919, c. 219, § 5. Cities and towns may appropriate at any annual or special town meeting money not exceeding fifty cents for each taxable poll in each year to be used in making compensation to tree wardens, and in acquiring, planting, pruning, and protecting shade trees.

Sec. 123. Penalty for violation. 1919, c. 219, § 6. Whosoever trims, cuts, or otherwise defaces or destroys a public shade tree or injures, defaces, or destroys any tree marker attached in accordance with section one hundred eighteen, shall be punished by a fine of not less than five dollars nor more than twenty-five dollars to be paid to the city or town in which the offense is committed, and expended by said city or town for the purposes specified in sections one hundred eighteen to one hundred twenty-five inclusive.

Sec. 124. Free distribution of trees for roadside planting. 1919, c. 219, § 7. The forest commissioner may provide and distribute free of charge at the state nursery, to the several cities and towns, trees for roadside planting.

Sec. 125. Failure of municipalities to appoint wardens; provisions of § 121 not applicable. 1919, c. 219, § 8. When the municipal officers in any year fail to appoint tree wardens in accordance with section one hundred twenty of this chapter the provisions of section one hundred twenty-three shall not apply to trees previously marked in accordance with section one hundred eighteen hereof.

Municipal Forests.

Sec. 126. Cities and towns may acquire lands for forestry purposes; forest commissioner to furnish seedlings. 1927, c. 33, § 1. Cities and towns may acquire by purchase, gift, or bequest lands for the purpose of forestation, and may reclaim and plant such lands. The forest commissioner shall, upon application in such form as he may prescribe, furnish said cities and towns, at cost, with seedlings or transplants for the planting of town forest lands, and shall be ready to offer advice as to the planting, management, and protection of said forest lands.

Sec. 127. Two-thirds vote required to authorize purchase of land; purposes of forest. 1927, c. 33, § 2. A town, by a two-thirds vote at any annual town meeting, or a city, by a two-thirds vote of the city government, may determine to purchase lands which shall be known as the town or city forest, and may appropriate money and accept gifts of money and land therefor. Such forest shall be devoted to the culture of forest trees, or to the preservation of the water supply of such city or town.

Sec. 128. May appoint a forester; his duties. 1927, c. 33, § 3. In each city or town which has a town forest as defined hereinbefore, the town or city manager in such towns or cities as are under the manager system, or elsewhere the mayor or selectmen, may appoint a forester whose duty it shall be to make and enforce all necessary regulations, and to perform such labor therein as may be necessary for the proper care and maintenance of such land as a forest producing area. Said forester need not be a resident of the town or city in which he is appointed, but he and such deputies as he may appoint shall have the powers of constables and police officers while in said forest.

Sec. 129. Building may be leased or erected. 1927, c. 33, § 4. Any city or town owning such forest area may lease any building thereon, and may erect thereon any building for public instruction and recreation.

Sec. 130. Payment of bills; disposition of revenue. 1927, c. 33, § 5. No expenditures shall be made or bills incurred above the amounts appropriated for said specific items, and all expenditures must have the approval of city or town officers appointing said forester. All receipts from said forest or buildings thereon shall go into the general revenue of town or city owning said forest.

Sec. 131. Lands acquired may be sold or exchanged; exception; highways may be located. 1927, c. 33, § 6. 1929, c. 92. Whenever it shall be deemed of advantage to such city or town to sell or exchange such forest lands or any part thereof, or to locate thereon any public highway or foot-path such city, by vote of its city council, and such town by vote of its inhabitants at town meeting, after due notice given, may authorize such sale or exchange or the location of such way or path, and may execute any conveyances or take any other steps necessary to carry the same into effect. Provided, however, that the power of sale or exchange herein granted shall not apply to lands held in trust by such city or town unless in accordance with the terms of such trust.

Street Sprinkling.

Sec. 132. Appropriation for street sprinkling. R. S. c. 4, § 94. 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. 133. Municipal officers to determine assessment on abutters for sprinkling of streets; proceedings. R. S. c. 4, § 95. 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 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. 134. Tax to be assessed; lien. R. S. c. 4, § 96. 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, reassessed, 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. 135. Debts of disorganized towns collectable; so with school districts therein. R. S. c. 4, § 97. 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. 95, § 19.

Town, City, and Village By-laws and Ordinances.

Sec. 136. By-laws of towns, cities, and villages. R. S. c. 4, § 98. 1917, c. 58. 1921, c. 154. 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 of not more than five dollars for one offense, subject to the approval of the county commissioners, or a judge of the superior court.

See c. 19, § 74; c. 24, § 18; c. 26, §§ 7, 10, 36-40; c. 35, §§ 1, 18, 21; 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. 22, § 52, ¶ v; 100 Me. 184; 112 Me. 10.

IV. For regulating the going at large of dogs.

See §§ 158-175.

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

See c. 51, § 1.

VI. For setting off portions of their streets for sidewalks and for regulating the use thereof, and for providing for the removal of snow and ice from such sidewalks within the limits of highways and townways to such extent as they deem expedient; the penalty for violation of such by-laws shall apply to the owner or occupant of abutting property or the agent having charge 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. 27, §§ 74, 92; *37 Me. 331; 78 Me. 31; 85 Me. 388; 104 Me. 351.

VII. Respecting the location and protection of monuments, boundary stones, curbstones, stepping stones or horse-blocks, trees, lamp posts, posts, and hydrants, the maintenance and operation of sidewalk tanks and pumps for the sale or distribution of petroleum products for fuel, power, and lubrication, supporting posts for any awning, marquee, or other temporary or permanent structure over the street or sidewalk, 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. 35, §§ 25-36; 102 Me. 285; *120 Me. 194; 124 Me. 509.

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

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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.

See § 13; c. 19, § 35.

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

See c. 26, § 7.

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.

119 Me. 455.

Sec. 137. Cities, towns, and village corporations may enact zoning ordinances. 1925, c. 209, § 1. 1927, c. 172, § 1. Cities, towns, and village corporations may, by ordinance or by-law, restrict buildings, premises, and camping-grounds, to be used for particular industries, trades, manufacturing, commercial, or other purposes, to specified parts or zones of the city, town, or village corporation or may exclude them from specified parts or zones of the city, town, or village corporation or provide that such buildings, premises, and camping-grounds, if situated in certain parts or zones of the city, town, or village corporation, shall be subject to special regulation as to their construction or use. A city, town, or village corporation may also, by ordinance or by-law, provide that certain kinds of dwelling-houses, tenement-houses, and camping-grounds conducted for private gain shall be restricted to specified parts or zones of such city, town, or village corporation or shall be excluded from specified parts or zones of such city, town, or village corporation or that dwelling-houses or tenement-houses or such camping-grounds situated in specified parts or zones of such cities, towns, or village corporations shall conform to certain regulations in respect to their construction or use which shall not apply to other buildings, premises, or camping-grounds in other parts or zones of such city, town, or village corporation. For the above purposes, the city, town, or village corporation may be divided into zones and the construction and use of buildings and the use of premises and such camping-grounds may be regulated, as above provided.

126 Me. 537.

Sec. 138. Provisions to be carried out so as to promote welfare of community; buildings erected or camping-grounds maintained contrary to statute, nuisances. 1925, c. 209, § 2. 1927, c. 172, § 2. The provisions of sections one hundred thirty-seven to one hundred forty-four inclusive shall be carried out in such manner as will best promote the health, safety, morals, and general welfare of the community, and any building erected, altered, or repaired and such premises or camping-grounds maintained contrary to the provisions of an ordinance or by-law passed hereunder is a nuisance.

126 Me. 537.

Sec. 139. Notices required before enacting ordinances or by-laws. 1925, c. 209, § 3. 1927, c. 172, § 3. No ordinance or by-law shall be enacted hereunder until after a public hearing thereon, notice of which hearing shall be published at least thirty days before the hearing in a newspaper published in the city, town, or village corporation concerned, or in a newspaper published in the county wherein said city, town, or village corporation is located.

Sec. 140. Inspectors of buildings to withhold permits for construction in violation of ordinance; appeal. 1925, c. 209, § 4. 1927, c. 172, § 4. It shall be the duty of the inspector of buildings to withhold permit for the construction or alteration of any building or the maintenance of any such premises or camping-ground in violation of an ordinance or by-law enacted hereunder. Appeal shall lie from decision of the inspector of buildings to the municipal officers and from said municipal officers to the superior court according to the provisions of section twenty of chapter twenty-seven.

Sec. 141. Not to apply to buildings of public service corporations; such corporation to apply to public utilities commission. 1925, c. 209, § 5. Sections one hundred thirty-seven to one hundred forty-four inclusive of this chapter shall not apply to any existing or proposed building used or to be used by a public service corporation; provided, that upon a petition by a public service corporation, the public utilities commission may, after due notice and a public hearing, adjudge the situation of any existing or proposed building used by such corporation, to be reasonably necessary for the convenience or welfare of the public, and that such building or buildings be exempt from the provisions of said sections, or from any ordinance passed or adopted in accordance with their provisions.

Sec. 142. Not to apply to existing buildings; but to alterations or changes in use of existing buildings. 1925, c. 209, § 6. No ordinance or by-law adopted under the powers created by said sections one hundred thirty-seven to one hundred forty-four inclusive shall apply to structures existing at the time of the adoption of the ordinance nor to the then existing use of any building, but it shall apply to any alteration of a building to provide for its use for a purpose or in a manner substantially different from the use to which it was put before the alteration, and shall apply to a substantial change in the uses of a building when put to a new use without alteration.

126 Me. 537.

Sec. 143. Provisions of zoning law may be accepted at a special election duly called; form of question to be submitted. 1925, c. 209, § 7. 1927, c. 172, § 5. No ordinance or by-law enacted under the powers hereby conferred shall be in force and effect until accepted by a majority of the electors of the city, town, or village corporation voting at a regular election for the election of municipal officers of such city, town, or village corporation or for the election of one or more members of any city council or at a special election duly warned, called, and conducted in the same manner as required for such regular election.

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At the time of the submission to the voters, the question shall be submitted in this form: "Shall the Zoning Ordinance be Accepted?" Those favoring the acceptance shall vote "Yes," those opposed shall vote "No."

Sec. 144. Terms defined. 1925, c. 209, § 8. The words "municipal officers" as used in said sections one hundred thirty-seven to one hundred forty-four inclusive shall be construed to include assessors of village corporations, and village corporations included herein shall be only those whose electors and voters resident therein are also qualified voters in the town wherein said corporation is located.

126 Me. 537.

Licensing of Steam Engineers and Firemen.

Sec. 145. Municipal examiners of steam engineers and firemen; appointment of. 1917, c. 262, § 1. The municipal officers of cities and towns shall annually in the month of April, or as soon as practical thereafter, appoint an examiner of steam engineers and firemen who has had not less than five years practical experience operating boilers and engines.

Sec. 146. Operators to obtain certificates of competency; application; exemption. 1917, c. 262, § 2. It shall be unlawful for any person or persons to operate a steam plant consisting of boiler and engine where the services of an engineer or fireman are required, without first obtaining a certificate of competency from said examiner; sections one hundred forty-five to one hundred fifty-four inclusive of this chapter shall not apply to dwelling-houses, apartment-houses, and buildings where the steam plant is used for heating purposes only.

Any person intending to operate a steam plant except as herein provided shall make application in writing to the city clerk, who will notify him in writing when to appear for examination.

Sec. 147. Licenses graded; qualifications and exemptions. 1917, c. 262, § 3. Licenses shall be granted as follows:

First grade, horse-power unlimited.

Second grade, limited to five hundred horse-power.

Third grade, limited to two hundred horse-power.

Special grade, limited to engineers and firemen operating some special steam plant, and to night engineers and firemen, and to engineers handling donkey, hoisting, and steam roller engines. A special license shall state for what purposes such license is issued and the location of the plant.

An engineer or fireman who has been granted a second grade certificate may operate a plant as specified in the first grade under direction of an engineer or fireman who has been granted a first grade certificate, and an engineer or fireman who has been granted a third grade certificate may operate a plant as specified in the second grade under direction of an engineer or fireman who has been granted a second grade certificate. All persons holding engineer's or fireman's licenses issued by the United States Local Inspectors of Steam Vessels shall be exempt from the provisions of sections one hundred forty-five to one hundred fifty-four of this chapter and said sections shall not apply to buildings owned by the United States government.

Sec. 148. Examination; form of certificate; original filed with clerk; certified copy furnished applicant; disposition of fee. 1917, c. 262, § 4. 1921, c. 191, § 1. An examiner's fee of two dollars for every applicant shall be paid to the city clerk when application is made. It shall be the duty of the city clerk to forward all applications to the examiner. The examiner shall examine all

applicants in writing, and shall issue a certificate in the following form, if the applicant is of temperate habits and has suitable competency:

"STATE OF MAINE.

This is to certify that _____, having made application to the city clerk for permission to take charge of and to operate a steam plant, and having produced evidence of his competency to act in said capacity as _____, I have issued to him this certificate as approved by law this _____ day of _____."

Said certificate when issued shall be filed in the office of the city clerk and said clerk shall issue and deliver to said applicant a duly attested copy of said certificate; and the copy so issued shall be posted by the holder thereof in a frame under glass in a conspicuous place in or near the boiler room of the steam plant to be operated.

The city clerk shall pay the examiner the sum of one dollar and seventy-five cents out of the fee of two dollars deposited with him for that purpose, retaining the sum of twenty-five cents as payment for the attested copy issued by said city clerk.

Sec. 149. Term of certificate. 1917, c. 262, § 5. The term of certificate shall be one year from date granted unless revoked as hereinafter provided.

Sec. 150. Renewal of license; procedure; applicant entitled to hearing when refused renewal. Duplication in case of loss. 1917, c. 262, § 6. 1921, c. 191, § 2. When an engineer or fireman shall apply for a renewal of his license for the same grade, the presentation of the attested copy of the original certificate shall be considered sufficient evidence of his title to renewal, which certificate shall be retained by the examiner upon the official files as the evidence upon which the license was renewed, and a new certificate shall be issued upon the payment of a fee of one dollar, unless such license shall be forfeited or unless facts shall have come to the knowledge of the examiner which would render a renewal improper. In such case the applicant shall be entitled to a hearing before the examiner. In case of loss or destruction of applicant's certified copy of his license, the city clerk shall by direction of the examiner, issue to the applicant a duplicate attested copy, upon payment of a fee of twenty-five cents.

Sec. 151. Incompetency; holder of certificate entitled to hearing; license may be revoked when charge sustained; notice to owners of plant; temporary operator. 1917, c. 262, § 7. When the examiner receives notice in writing signed by ten or more residents of the city or town where the steam plant in question is located stating that in their opinion the person in charge of such steam plant is incompetent to discharge his duties, or by reason of negligence, intemperance, or other cause, such person ought not to longer remain in charge of such steam plant, the said examiner may temporarily suspend the authority of such person to act in said capacity until the investigation and hearing as herein provided can be made, provided however, that said certificate shall not be permanently revoked until the said examiner shall have given a hearing to the person against whom a complaint has been filed, and shall have given him a written copy of said complaint at least forty-eight hours before said hearing is to be held. Said examiner shall immediately cause an investigation to be made as to the habits and qualifications of the person so complained of; and if such person is found to be incompetent to remain in charge of said steam plant, said examiner shall cause the certificate granted under the provisions of sections one hundred forty-

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five to one hundred fifty-four inclusive to be revoked, and notice of such revocation shall be filed with the city clerk; if the examiner shall after hearing revoke said license he shall then give the person or corporation having control of such plant notice of his findings. If after the receipt of such notice the person or corporation having control of such steam plant shall neglect or refuse to cause said steam plant to be placed in charge of some person qualified under the provisions of sections one hundred forty-five to one hundred fifty-four inclusive within a reasonable time thereafter, such person or corporation shall be subject to the penalties provided in section one hundred fifty-one of this chapter. The person or corporation in control of a steam plant, in case of sickness, emergency, or other good and sufficient reason, may temporarily employ some competent person, not holding a license as herein provided, to operate said plant for a period not exceeding two weeks.

Sec. 152. Persons operating steam plant for one year exempt from examination. 1917, c. 262, § 8. Any engineer or fireman who has operated a steam plant for one year and who shall produce satisfactory evidence of the same, shall be entitled to a license to operate a steam plant of the same or lower grade without examination, upon payment of the fees prescribed for the granting of licenses by examination, and any engineer or fireman who now holds a license shall be entitled to receive a renewal of the same without examination.

Sec. 153. Penalty for violations. 1917, c. 262, § 9. Whoever violates any provision of sections one hundred forty-five to one hundred fifty-four inclusive shall be punished by a fine of not more than fifty dollars.

Sec. 154. Not applicable to places of less than 40,000. 1917, c. 262, § 10. Sections one hundred forty-five to one hundred fifty-four inclusive shall not apply to cities and towns having less than forty thousand inhabitants.

Police Officers.

Sec. 155. Selectmen of towns authorized to appoint police officers. R. S. c. 4, § 99. 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. 156. Powers; removal. R. S. c. 4, § 100. 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. 38, § 14; c. 94, § 59.

Registration and Licensing of Dogs.

Sec. 157. Assessors to make lists of all dogs; return to treasurer of state; penalty for failure to make return. R. S. c. 4, § 101. 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 sixty-two 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. 158. Dogs to be annually registered, numbered, and licensed; license fee; kennel license; fee for kennel license. R. S. c. 4, § 102. 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. 159. Duty of clerks. R. S. c. 4, § 103. 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.

Sec. 160. Treasurers to keep account. R. S. c. 4, § 104. 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. 161. Penalty for keeping unlicensed dog. R. S. c. 4, § 105. 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. 162. Warrants to be issued to officers to kill all unlicensed dogs. R. S. c. 4, § 106. 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 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. 163. Return of warrant and what it shall contain. R. S. c. 4, § 107. 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. 164. Secretary of state to forward copies of law; posting. R. S. c. 4, § 108. 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. 165. Liability for damages by dogs. R. S. c. 4, § 109. 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. 166. Payment of damages done by dogs and wild animals; determination of damages; recovery from owner; penalty for keeping dog that kills sheep. R. S. c. 4, § 110. 1921, c. 223. 1929, c. 221. Whenever any sheep, lambs, or other domestic animals, poultry not included, 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 twenty-four hours 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 limit 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 make returns of their findings together with the estimated damage, in triplicate, one to go to the town clerk, one to the commissioner of agriculture or state sheep specialist, and one to the state auditor. If the sheep, lambs or other domestic animals are kept in an unincorporated place, the owner may make complaint to the municipal officers of the oldest incorporated adjoining town, or the nearest incorporated

town where there are none adjoining, who shall investigate the complaint. The commissioner of agriculture or the state sheep specialist shall approve the bill, or if it seems advisable, investigate the claim. In case of disagreement as to the amount of damage which shall be paid, the amount shall be determined by three referees to be selected in the following manner: one referee to be chosen by the municipal officers, one by the owner of the animals injured or killed, and the third shall be the state sheep specialist. In case one party refuses or neglects to select a referee, the referee selected by the other party, together with the state sheep specialist, after thirty days from the time the notice of the aforesaid damage was given or received, shall choose a 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 state. 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 state; the amount of the expense shared in by the state shall be a proper charge to the appropriation for damage by dogs and wild animals to domestic animals. When the claim is approved by the commissioner of agriculture or the state sheep specialist, or a report received from the referees, the claim shall be paid by the state to the person sustaining such damage, together with fifty per cent additional, unless in the judgment of the referees the owner or owners are not entitled to the additional fifty per cent. The state may maintain an action on the case against the owner or keeper of the dogs to recover the amount paid, not to exceed 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 dollars, 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. Payment of the amount of said damage together with the necessary expenses of investigation, including a part of the compensation of the commissioner of agriculture or state sheep specialist, shall be charged to the fund received by the state under section one hundred fifty-nine.

125 Me. 67.

Sec. 167. Joint owners of dogs liable jointly and severally. R. S. c. 4, § 111. 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. 168. Expenditure of money remaining in state treasury. R. S. c. 4, § 113. All money received by the treasurer of state as provided in section one hundred fifty-nine 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. 169. Penalty, if officer refuses or neglects duty. R. S. c. 4, § 114. Any mayor, selectmen, clerk, constable, or police officer who refuses or wilfully neglects to perform the duties imposed by the twelve preceding sections shall be punished by a fine of not less than ten dollars nor more than fifty dollars and costs.

Sec. 170. Liability for stealing or killing registered dog. R. S. c. 4, § 115. Whoever steals, injures, or confines and secretes any registered dog, or kills

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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. 171. Certain officers may kill dogs found chasing game or worrying domestic animals; other persons may kill dogs under certain conditions. R. S. c. 4, § 116. 1923, c. 173. Any inland game warden or deputy warden, sheriff, deputy sheriff, or constable may at any time lawfully kill any dog he may find in the act of hunting or chasing moose, caribou, or deer, or he may find worrying, wounding, or killing any domestic animal, when said dog is outside of the enclosure or immediate care of its owner or keeper. Any owner of sheep, or any member of his family, or any person to whom is intrusted the custody of any sheep, shall have a right to kill any dog attacking any of said sheep. Any person having any evidence of any dog hunting or chasing moose, caribou or deer, or of any dog kept and used for that purpose, or of any dog worrying, wounding, or killing any domestic animal or fowl, when said dog is outside of the enclosure or immediate care of his owner or keeper, may present said evidence to any trial justice or judge or recorder of any municipal court, which said trial justice, judge, or recorder shall have power to issue a warrant against the owner of said dog, ordering him to appear before him and show cause why said dog should not be killed; and upon hearing the evidence in said case said court may order said dog killed. Any person may lawfully kill a dog which suddenly assaults him or another person when peaceably walking or riding.

See c. 38, § 65; 93 Me. 389; 112 Me. 362.

Sec. 172. Written complaint of dangerous dogs at large. R. S. c. 4, § 117. 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. 173. Treble damages and costs when order is neglected. R. S. c. 4, § 118. 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 or 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. 174. Dogs in unorganized plantations. R. S. c. 4, § 119. 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. 175. Jurisdiction of courts; fines, how disposed of. R. S. c. 4, § 120. Trial justices, municipal and police courts shall have concurrent jurisdiction with the superior court of all violations of the eighteen 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. 176. Application for license to build or extend wharves and fish weirs; proceedings; bond. R. S. c. 4, § 121. 1921, c. 135. 1923, cc. 85, 127. 1925, c. 180. 1927, c. 88. 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 in a newspaper, published in the municipality, or, if there be no newspaper published in the municipality, in a newspaper published within the county, 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 such 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. Said municipal officers shall, within three days after the date of the hearing, give written notice of their decision to all parties interested. Should the said applicant or his assignee fail to remove such stakes and brush within a period of one year after the termination of his license as provided in the following section, it shall then be legal for any person so to remove them, but without charge against said owner or assignee. Any person aggrieved by the decision of the municipal officers in either granting or refusing to grant a license as hereinbefore provided may appeal to the commission of sea and shore fisheries within ten days after such written notice. On receiving such an appeal, said commission shall set a time and place for a hearing and give notice thereof in the same manner as is hereinbefore provided for a hearing, before municipal officers. At least two members of the commission shall be present at the hearing and no member of the commission shall act on any appeal in any town of which he may be a resident or the owner of a wharf or a weir or a trap. The party appealing from the decision of the municipal officers, shall at the time of entering his appeal, file a bond without sureties in the sum of twenty-five dollars with the treasurer of the state and such bond shall be forfeited to the state if the appellant fails to prosecute his appeal or if the decision of the commission of sea and shore fisheries sustains that of the municipal officers. The decision of the said commission shall be communicated within three days

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after the date of the hearing to the appellant and to the municipal officers of the town in which the proposed wharf or weir or trap is located; and this decision shall be binding on said municipal officers, who shall issue a license, if so directed by the decision of the commission, within three days after said decision has been communicated to them.

In the case of islands not within the jurisdiction of any town, all powers of municipal officers to issue licenses to build weirs are hereby conferred upon the owner or owners of said islands. If said owner or owners are unable to agree as to the issuance of a license they shall submit the question of such issuance to the director of sea and shore fisheries who shall after a hearing at which all parties may be represented, decide as to the issuance of such license.

68 Me. 259, 261; 85 Me. 120; 102 Me. 55; *114 Me. 242; 126 Me. 57, 58.

Sec. 177. License void. R. S. c. 4, § 122. 1923, c. 133. The license for the building or extension of a fish weir or trap issued under the provisions of the preceding section or any right or privilege granted by the legislature for the building or extension of any such fish weir or trap shall terminate and become void unless such weir or trap shall be built within one year from the date of the license, or the granting of such right or privilege, and maintained and operated in good faith for some part of each year thereafter.

Sec. 178. Waters lying between two towns. R. S. c. 4, § 123. 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. 179. Record; compensation to officers. R. S. c. 4, § 124. 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 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. 180. Extension of weirs and wharves; application to herring weirs and traps. R. S. c. 4, § 125. 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; 123 Me. 230; 124 Me. 367; 126 Me. 57.

Harbor Masters.

Sec. 181. Appointment of harbor masters; compensation. R. S. c. 4, § 126. 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.

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

Sec. 182. Rules for channel lines. R. S. c. 4, § 127. 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. 183. Enforcement of rules. R. S. c. 4, § 128. 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. 184. Harbor masters to indicate location in which vessels shall be moored. R. S. c. 4, § 129. In all harbors wherein channel lines have been established by the municipal authorities, as provided in section one hundred eighty-two, 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. 185. Penalty for neglecting to remove or replace moorings. R. S. c. 4, § 130. 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. 186. Vessels obstructing anchorage to be removed by harbor master. R. S. c. 4, § 131. 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 eighty-two to remove to such anchorage as he may designate.

Sec. 187. May put crew on board to move vessel to suitable berth. R. S. c. 4, § 132. If such vessel has no crew on board, or if the master or other

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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 vessels 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. 188. Harbor master may arrest for assault. R. S. c. 4, § 133. 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. 189. Perambulation of town lines every five years; penalty for neglect. R. S. c. 4, § 134. 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 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. 190. Monuments may be erected at angles; perambulation every ten years. R. S. c. 4, § 135. 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. 191. Disputed town lines; compensation of commissioners. R. S. c. 4, § 136. When a town petitions the superior 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; 123 Me. 123.

Plantations.

Sec. 192. Census of larger unincorporated townships, duty of county commissioners respecting. R. S. c. 4, § 137. 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. 33, § 27; 56 Me. 31; 64 Me. 267.

Sec. 193. Organization of such townships. R. S. c. 4, § 138. 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. 194. Organization of less populous townships. R. S. c. 4, § 139. 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. 13, § 100; 40 Me. 218; 64 Me. 265-6; 83 Me. 367.

Sec. 195. Proceedings at meeting for organization under two preceding sections. R. S. c. 4, § 140. 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. 196. Copy of proceedings and description of plantation, to be forwarded to secretary of state; liability for state or county taxes. R. S. c. 4, § 141. 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.

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Sec. 197. Annual meeting. R. S. c. 4, § 142. Organized plantations shall hold their annual meeting in March, and choose a clerk, three assessors, treasurer, collector of taxes, constable, superintending school committee, one or more surveyors of lumber, and two or more fence viewers; and 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. 13, §§ 97, 103; c. 27, § 53.

Sec. 198. 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, § 143. 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. 199. Laws for town officers apply to plantation officers. R. S. c. 4, § 144. 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. 7, §§ 3, 12; c. 8, §§ 77-81. As to penalties, see § 32, also c. 8, §§ 100-122, c. 13, §§ 96-100, c. 14, §§ 17, 58; 56 Me. 31.

Sec. 200. Duties of plantation officers. R. S. c. 4, § 145. 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. 201. First assessors to return to county commissioners inventory of polls and estates; corrected and forwarded to treasurer of state for basis of taxation. R. S. c. 4, § 146. The assessors first chosen in plantations organized under section one hundred ninety-three, 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 repair-

ing ways in compliance with chapter twenty-seven, sections fifty-three and one hundred ten. 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. 202. Power to raise and expend money for schools, poor, etc. R. S. c. 4, § 147. All plantations may raise and expend money for the support of schools, and making and repairing schoolhouses, as provided in chapter nineteen, sections sixteen, one hundred thirty-one and one hundred fifteen; for support of the poor, as provided in chapter thirty-three, section forty-two; and sums necessary for legal plantation expenses.

See c. 13, §§ 97-103; 7 Me. 125, 133; 14 Me. 24; 20 Me. 298; 52 Me. 595, 598; 54 Me. 250.

Sec. 203. Organized plantations to consist of one township. R. S. c. 4, § 148. Organized plantations shall not be composed of more than one township; and when organized under section one hundred ninety-three, former organizations cease.

Sec. 204. First valuation of towns to be forwarded to county commissioners, and copy sent to treasurer of state. R. S. c. 4, § 149. 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 two hundred one.

Sec. 205. If assessors neglect, county commissioners to appoint assessors to return valuation. R. S. c. 4, § 150. 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. 206. Such assessors to be paid by county commissioners. R. S. c. 4, § 151. 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.

Sec. 207. Plantations may be reorganized. R. S. c. 4, § 152. Plantations organized upon application of three or more inhabitants, may at any time be reorganized under this chapter.

Election of school committee, c. 19, § 34; of superintendent of schools, c. 19, § 43; of fire wards, c. 35, § 6.

Duties of municipal officers as to lists of voters, c. 6, § 37 et seq.; as to election, c. 7, § 36 et seq.; as to forest fire wardens, c. 11, § 29; as to armories, drill rooms, and target ranges, c. 18, §§ 51-52; as to licensing auctioneers, c. 46, § 1; as to appointment of health officers, c. 22, § 47; as to snow removal, c. 28, § 50; pawnbrokers, c. 47, § 1; as to intelligence officers, c. 47, §§ 6, 11; innholders and victualers, c. 36, § 1; public exhibitions, c. 37; as to cultivation of clams, c. 50, § 55; sale of fireworks, c. 140, § 16; appointment of inspectors of flour, c. 49, § 1; inspectors of milk, c. 42, § 12; measurers of salt, corn and grain, c. 53, § 30; inspectors of oils, c. 49, § 25; inspectors of leather, c. 49, § 9; sealers of weights and measures, c. 53, § 8; inspectors of meters, c. 68, § 21.

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Municipal officers may enlarge burying-grounds, c. 24, § 9; may direct location of certain trades, c. 26, § 7; c. 35, § 12; shall license engineers of steam plants, c. 26, § 31; may examine defective chimneys and dangerous buildings to guard against fire, or other casualty, c. 35, §§ 13, 34; c. 26, §§ 36, 40; may make regulations for keeping explosives and illuminating substances, c. 35, § 20; shall appoint inspector of buildings, c. 35, § 25; shall license erection of steam and gasoline engines, c. 26, § 24; shall enforce law as to dairy products, c. 42, § 6.

Duties of the municipal officers to maintain highway monuments, c. 27, § 11; and guide-boards, c. 27, § 110; as to railroad bridges and crossings, c. 63, § 66, 73; as to gates at railroad crossings, c. 63, § 66; as to permits for opening streets, c. 67, § 12; as to permits for erection of poles and wires in streets, c. 68, § 28; as to jury list, c. 120, § 1; as to unlawful assemblies, c. 134, § 16; as to gambling houses, c. 136, § 1.

Towns. May make by-laws as to truants, c. 19, § 74; may establish workhouses, c. 153, § 1; town houses of correction, c. 153, § 7; regulations for taking clams, c. 50, § 62; liability of, for neglect to maintain ferries, c. 31, § 2.

Town treasurer: Duties of, as to standard weights and measurers, c. 53, § 4, 10; as to jury list, c. 120, § 1; state pensions, c. 158, § 5.

Town clerk: Shall forward to state library copies of town reports, c. 4, § 16; shall communicate name of town treasurer to state auditor, c. 5, § 65; shall not draft any instrument which he is required by law to record, c. 15, § 14; shall keep record of births, deaths and marriages, c. 72, §§ 24 and 30; shall notify secretary of local board of health, of any death from tuberculosis, c. 72, § 20; duties as to jury list and draft of jurors, c. 120, §§ 1 and 11.

Assessors: Duties of, as to registration of voters in cities, c. 6, § 11 et seq.; as to list of voters in towns, c. 6, § 36; to make enumeration of poultry, c. 12, § 19; to keep record of pure blood cattle kept for breeding purposes, and report to commissioner of agriculture, c. 40, § 15; to enforce law as to dairy products, c. 42, § 6; as to itinerant vendors, c. 46, §§ 11-27; as to return of births, c. 72, § 29.

Collector: Duty of, as to itinerant vendors, c. 46, §§ 11-27.

Municipal corporations: Provisions for weekly payment of wages apply to, unless otherwise requested, c. 54, § 39.

Accounts against towns, cities, or village corporations to be verified by oath, if required, c. 123, § 10.

Relief of dependents of soldiers, sailors, and marines, c. 159, § 1; relief of mothers and dependent children, c. 161, § 1; relief of the blind, c. 158, §§ 16-19.