

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

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1963 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 1

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**Discard Previous Supplement**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1963

may require or permit subsequent corrections or additions to the record when deemed desirable.

**V. Additional evidence.** If, before the date set for hearing, application is made to the court for leave to present additional evidence to the issues in the case, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the hearing commissioner, the court may order the additional evidence to be taken before the hearing commissioner upon such conditions as the court deems proper. The hearing commissioner may modify his findings and decision by reason of the additional evidence and shall file with the superior court, to become a part of the record, the additional evidence, together with any modification or new findings or decision.

**VI. Conducted by the court.** The appeal shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the hearing commissioner not shown in the record, testimony thereon may be taken in the court. The court shall, upon request, hear oral argument and receive written briefs.

**VII. Decision of court.** The court may affirm, modify or reverse the decision of the hearing commissioner according to the applicable law, or may remand the case for further proceedings. (1961, c. 394, § 1. 1963, c. 412, § 14.)

**Effect of amendment.**—The 1963 amendment, effective June 27, 1963, rewrote this section.

**Sec. 14. Appeal to supreme judicial court.**—An aggrieved party may appeal from the decision of the superior court to the supreme judicial court as in other civil cases. (1963, c. 412, § 15.)

**Effective date.**—The 1963 act adding this section became effective on its approval, June 27, 1963.

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## Chapter 21.

### Secretary of State.

#### Office and Duties.

**Sec. 1. Secretary of state; office and duties; vacancy; salary; expenses; fees.**—The secretary of state shall be the executive head of the department of the secretary of state, as heretofore established, and shall keep his office at the seat of government; have the custody of the state seal and preserve all records in such office, at the expense of the state. When a vacancy happens in the office of secretary of state during the recess of the legislature, the governor, with the advice and consent of the council, shall appoint a suitable person to act as secretary of state until one is elected by the legislature; and the person thus appointed shall take the oath required of the elected secretary; and have the same compensation while he performs the duties of the appointment.

The secretary of state shall receive an annual salary of \$12,500. He and his deputy shall also receive such actual traveling expenses incident to the administration of his department as shall be necessary.

The secretary of state shall collect the legal and usual fees payable to him by virtue of his office and shall pay them over forthwith to the treasurer of state. (R. S. c. 18, § 1. 1945, c. 370. 1951, c. 412, § 6. 1955, c. 473, § 6. 1957, c. 418, § 6. 1959, c. 361, § 6. 1961, c. 377, § 1. 1963, c. 396, § 4; c. 414, § 3.)

**Effect of amendments.** — The 1955 amendment increased the annual salary of the secretary of state from \$7,000 to \$8,000. The 1957 amendment, effective July 1, 1957, increased his annual salary from

\$8,000 to \$9,000 and carried appropriations for the fiscal years ending in 1958 and 1959.

The 1959 amendment increased the salary of the secretary of state from \$9,000 to \$10,000 and carried appropriations for the fiscal years ending June 30, 1960 and 1961.

The 1961 amendment increased the salary of the secretary of state from \$10,000 to \$10,200 and carried appropriations for fiscal years ending June 30, 1962 and 1963.

P. L. 1963, c. 396, § 4, increased the salary of the secretary of state from \$10,200 to \$12,500 and carried appropri-

ations for the fiscal years ending June 30, 1964 and 1965. P. L. 1963, c. 414, § 3, added "shall be the executive head of the department of the secretary of state, as heretofore established, and" near the beginning of the first sentence of the first paragraph.

**Effective dates.** — P. L. 1959, c. 361, amending this section, provided in section 14 thereof as follows: "The provisions of this act shall become effective for the week ending August 22, 1959."

Section 2, c. 377, P. L. 1961, provides that the act shall be retroactive to July 1, 1961.

**Sec. 2. Furnish lists of appointments of magistrates to registers of probate and clerks of courts.**—The secretary of state, upon receiving evidence of the qualification of any justice of the peace or notary public, shall immediately notify the register of probate and the clerk of the judicial courts of the county where such officer resides of his appointment and qualification. He shall, on the first days of June and December, forward to the registers of probate courts, judges of the district courts and clerks of United States courts in the state a list of all justices of the peace and notaries public, whose commissions are then in force, and the evidence of whose qualification has been filed in his office within the 6 months next preceding the time of forwarding such lists, which shall contain the name and residence of every such officer, the date of his commission and the county or counties for which he is commissioned. He shall send at the same time 2 copies of such lists to each of the clerks of the state courts. (R. S. c. 18, § 2. 1963, c. 402, § 17.)

**Effect of amendment.**—The 1963 amendment divided the section into three sentences, deleted "trial justice" following "justice of the peace" in the present first sentence, substituted "the district courts" for "municipal courts" in the present second sentence and deleted "trial justices" following "justices of the peace" in such

sentence.

**Application of 1963 act.**—Section 280 of c. 402, P. L. 1963, provides that the act shall apply only to the district court when established in a district and that the laws in effect prior to the effective date of the act shall apply to all municipal and trial justice courts.

**Sec. 4. Prepare commissions, record qualifications, engross bills.**

Cited in Opinion of the Justices, 152 Me. 212, 142 A. (2d) 532.

**Sec. 5. Distribute blanks for election returns; penalty for neglect.**—He shall cause blanks for all election returns required by law to be seasonably distributed to the clerks of the several towns, by mail. If any clerk fails to receive such blanks by the 20th day of October in any year in which an election is held, of which returns are to be made to the office of the secretary of state, he shall forthwith notify the secretary of state. If the secretary of state neglects this duty he forfeits \$100 for each neglect. (R. S. c. 18, § 5. 1959, c. 204, § 28.)

**Effect of amendment.**—The 1959 amendment divided the former first sentence of this section into two sentences, substituted

the word "October" for "August" and added the words "of state" after the word "secretary" in the last sentence.

### Fees.

**Sec. 6. Fees.**—The secretary of state shall receive:

For a certificate under the seal of the state, \$1 for a short form and \$2 for a special detailed certificate; and for all copies at the rate of 50¢ a page if such

copies are prepared by the office of the secretary of state and at the rate of 25¢ a page for proofreading such copies submitted to the office of the secretary of state for certification. There shall be no charge for certificates or copies requested by any department of the state.

For filing and recording a certificate of trade-mark, \$3; for recording assignment of trade-mark rights, \$1; for the certificate of the record of a label, trade-mark, device or form of advertisement adopted by any association or union of workmen, \$2.

For receiving, filing and recording certificate of officers of a proposed fraternal benefit society and issuing certificate of organization, \$5.

For receiving, filing and recording copy of certificate of organization of a corporation organized under the provisions of chapter 53, \$5 in advance.

For receiving, filing and recording certificate of officers of a proposed insurance company, and issuing certificate of organization, \$20; for receiving and filing certificate of increase of capital stock of an insurance company, \$10.

For receiving, filing and recording certificate of officers of a proposed fraternal beneficiary association and issuing certificate of organization, \$5.

For filing power of attorney of a foreign corporation under the provisions of section 127 of chapter 53, \$10; for filing instrument revoking such power of attorney, \$5; for filing copy of charter under the provisions of section 128 of said chapter, \$10 additional; for filing certificate of increase or reduction of stock of a foreign corporation, \$10.

For filing certificate of organization of a cooperative marketing association, \$10; for filing an amendment thereto, \$2.50. (R. S. c. 18, § 6. 1945, c. 293, § 1. 1949, c. 10, §§ 1, 2. 1959, c. 378, § 5. 1963, c. 362, § 3.)

**Effect of amendments.**—The 1959 amendment, effective on its approval, January 29, 1960, substituted “benefit society” for “beneficiary association” in the fourth paragraph from the end of the section.

The 1963 amendment, effective December 31, 1964, repealed the former eighth paragraph which related to recording contract of conditional sale of railroad equipment.

**Sec. 7. Fees payable by public officers.**—A fee of \$5 shall be paid to the secretary of state by any person appointed to the office of justice of the peace, notary public, commissioner to take depositions and disclosures, disclosure commissioner and commissioner appointed under chapter 168, section 24, before such person enters upon the discharge of his official duties. (R. S. c. 18, § 7. 1945, c. 378, § 14. 1959, c. 363, § 8. 1963, c. 402, § 18.)

**Effect of amendments.**—The 1959 amendment struck out the words “inspector of fish”, formerly appearing in the third line of this section. It also struck out the words “section 24 of”, formerly appearing before “chapter 168” and inserted “sec-

tion 24” after “chapter 168”, near the end of the section.

The 1963 amendment deleted “trial justice” preceding “notary public.”

**Application of 1963 act.**—See note to § 2.