

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE

1954

1959 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 3

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1959

317, Public Laws 1959, provides as follows: "This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all further proceedings in actions at law or suits in equity then pending, except to the ex-

tent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail."

Sec. 12. Decisions. — In all boxing contests or exhibitions conducted under the provisions of this chapter, there may be a decision as to the winner by 2 judges and the referee, or by 3 judges, licensed under the provisions of this chapter. (R. S. c. 78, § 12. 1953, c. 244, § 7. 1957, c. 40, § 3.)

Effect of amendment. — The 1957 amendment inserted the words "or by three judges" in this section.

Chapter 89.

County Officers.

County Commissioners.

Sections 71-A to 71-C. Fire Protection and Public Services for Townships.
Sections 89 to 94-A. Meridian Lines and Standards of Length.

County Attorneys.

Sections 112 to 125-B. Elections, Salaries, Powers, Duties, etc.

Sheriffs and Their Deputies.

Sections 142 to 173-A. Election, Powers, Duties, Salaries, Fees, etc.

County Offices.

Sections 254 to 255. Salaries of Officers and Clerk Hire.
Section 258. Fees in Penobscot County.
Section 259. Fees in Kennebec County.

County Commissioners.

Election and Tenure of Office. Salaries.

Sec. 2. Vacancies at expiration of term.—Vacancies to occur by expiration of the term of office at the end of any year in which a biennial election is held shall be filled by election on the Tuesday following the first Monday of November in such year. The terms of office for a county commissioner shall be 6 years, except when one is elected to fill out an unexpired term when it shall be for the remainder of the unexpired term. Where but one county commissioner is so to be elected, the nomination papers and official ballot shall specify simply the office of county commissioner. When, however, two or more county commissioners are so to be elected, the nomination papers and ballots shall by apt words designate the respective terms for which they are to be nominated or elected. (R. S. c. 79, § 2. 1959, c. 204, § 29.)

Effect of amendment.—The 1959 amendment substituted in the first sentence "Tuesday following the first Monday of November" for "2nd Monday of September."

Sec. 5. Mode of election. — County commissioners shall be elected on the Tuesday following the first Monday of November in each even-numbered year by

the written votes of electors qualified to vote for representatives. The votes shall be received, sorted, counted and declared as votes for representatives are; the names of the persons voted for, the number of votes for each and the whole number of ballots received shall be recorded by the clerk in the town records, and true copies thereof, sealed and attested as returns of votes for senators, shall be transmitted to the secretary of state within 30 days. (R. S. c. 79, § 5. 1959, c. 204, § 30.)

Effect of amendment.—The 1959 amendment substituted in the first sentence “Tuesday following the first Monday of November” for “2nd Monday of September.”

Sec. 6. Salaries. — The county commissioners in the several counties shall receive annual salaries as set forth in section 254.

Said salaries shall be in full for all services, expenses and travel to and from the county seat, including the management of the jails and workshops and the sale of their products, except that when outside of the county seat on official business, including public hearings, inspection and supervising construction, snow removal and maintenance of roads in unincorporated townships in their respective counties, they shall be allowed all necessary traveling and hotel expenses connected therewith. All bills for such expenses shall be approved by the clerk of courts and the county attorney of their county and paid by the treasurer of said county; and with the further exception of such expenses as are provided for in section 33. (R. S. c. 79, § 6. 1945, c. 167, § 1; c. 186; c. 280, § 1. 1947, c. 154, § 1; c. 157, § 1; cc. 201, 295. 1949, c. 214, § 1; c. 308, § 1. 1951, c. 246; c. 311, § 1; c. 312, § 1; c. 313, § 1; c. 326, § 1. 1953, c. 102, §§ 1, 2; c. 135, § 1; c. 142, § 1; c. 179, § 1; c. 216, § 1; c. 269, § 1; c. 276, § 1; c. 278, § 1. 1955, c. 270; c. 319, § 1; c. 445, § 1; c. 459, § 1; c. 470, § 1. 1957, c. 416, §§ 1, 10, 18, 23, 31, 49, 55, 65; c. 429, § 77. 1959, c. 372, § 1.)

Effect of amendments.—Prior to the 1959 amendment, the salaries were set out in this section. The amendment also divided the last paragraph into two sentences.

The 1955 and 1957 amendments all related to particular salaries.

Editor's note.—P. L. 1959, c. 372, amending this section, provided in sections 12, 13 and 14 thereof as follows:

“Sec. 12. Private and special laws amended. All private and special laws, providing salaries and clerk hire for judges and recorders of municipal courts to be paid from the county treasury, shall be amended to read, in place of the salaries set forth therein, ‘shall receive such salaries as established by the Revised Statutes

of 1954, Chapter 89, section 254, as amended,’ and further amended by striking out all provisions for clerk hire.

Sec. 13. Effective date in certain counties. The salaries set forth in section 7 as they relate to the Counties of Androscoggin, Aroostook, Hancock, Kennebec, Knox, Lincoln, Piscataquis, Somerset, Waldo and York shall be retroactive to January 1, 1959.

Sec. 14. Effective date. The salaries as set forth in section 7 shall be effective October 1, 1959, except as otherwise provided in this act.”

Effective date.—Chapter 429, P. L. 1957, amending this section became effective on its approval, October 31, 1957.

General Powers and Duties.

Sec. 15-A. County audit.—Every county shall have an audit made of its accounts annually covering the last complete fiscal year by either the state department of audit or by qualified public accountants, recognized as competent auditors by their training and experience. Choice of such auditor may be made by the county commissioners.

The audit shall be performed in accordance with generally accepted auditing standards and procedures pertaining to governmental accounting, and in case of dissatisfaction with the audit made by others than the state department of audit, upon petition by the municipal officers of three or more municipalities, the state

department of audit shall make another audit, and the parties making such audits shall have access to all necessary papers, books and records.

Upon completion of an audit, the auditor shall render a report to the county commissioners and a certified copy thereof to the state auditor, embodying the results of his findings with such suggestions as he may deem advisable for the proper administration of the county, and he shall also render to the state department of audit a certified copy of an audit procedural form as prescribed by the state department of audit for governmental audits. (1955, c. 269.)

Sec. 15-B. Androscoggin county contingent account.—There is hereby established a contingent account for Androscoggin county. The county commissioners of Androscoggin county, after public hearing, may allocate from such contingent account amounts not to exceed in total the sum of \$15,000 in any fiscal year. Such allocations may be made to meet any expense necessarily incurred under any requirement of law. Said county commissioners shall determine the necessity for such allocations. At the close of each fiscal year there shall be transferred from county funds an amount sufficient to restore the county contingent account to \$15,000. (1955, c. 293.)

Sec. 15-C. Capital reserve accounts.—Section 18 and subsections I and II of section 17 of chapter 90-A, which contain the capital reserve account provisions for municipalities, apply equally to counties. The county commissioners have the powers and duties of municipal officers. (1957, c. 405, § 12.)

Sec. 16. Advertising or promoting appropriation.—Any county may expend not exceeding the sum of \$5,000 annually under the direction of the county commissioners, to be accounted for as other moneys of the county, for advertising or promoting the natural resources, advantages and attractions of such county. (1945, c. 238. 1947, c. 215. 1949, c. 349, § 113. 1959, c. 166.)

Effect of amendment.—The 1959 amendment added "or promoting" near the end of the section.

Sec. 17. Repealed by Public Laws 1957, c. 397, § 42.

Sec. 18. Courthouses, temporary courtrooms, jails and rooms for records and papers of county officers; acquired land; files and records; parking areas. — The county commissioners shall, in the shire town of their county, provide and keep in repair courthouses with a suitable room in each for the county law library; jails, with apartments for debtors separate from criminals; and fireproof buildings of brick or stone for the safekeeping of records and papers belonging to the offices of registers of deeds, and of probate and insolvency, and of the clerk of courts, with separate fireproof rooms, and suitable alcoves, cases or boxes for each office, and also any other necessary buildings. They may also in any town in which a nisi prius term of the superior court is held contribute such amount as in their judgment seems proper to the repair and upkeep of any room used for the holding of such term of court and acquire land by purchase or by condemnation proceedings for the enlargement of the grounds around county buildings; such condemnation proceedings shall be in conformity with the provisions of sections 35 to 42, inclusive. If in the judgment of the county commissioners public convenience so requires, they may, at the expense of the county, cause the files and records of the probate and other county courts to be rearranged, indexed and docketed, the dockets which are worn or defaced to be renewed and the indexes to be consolidated under the direction of their respective registers and clerks of said courts. Said county commissioners may lay out parking areas on county lands presently owned by a county near county buildings, and may enact

ordinances and enforce them by suitable penalties for the reasonable use of such areas. (R. S. c. 79, § 16. 1945, c. 268. 1959, c. 138.)

Effect of amendment.—The 1959 amendment added the last sentence in the section.

Sec. 18-A. Destruction of county records.—The old records of any county department which in the opinion of the head of such department are no longer of value to the county may be destroyed upon approval in writing of the county commissioners, the county attorney, the executive committee of the county bar association and the state librarian; but not otherwise. If any old record appears to have sufficient value, approval to destroy shall be withheld until said old record has been copied at the expense of the county by any photostatic, photographic, microfilm or other process which produces a clear, accurate and permanent copy or reproduction thereof and satisfactory provision is made for the permanent storing of such copies or reproduction in fireproof containers. (1955, c. 170.)

Sec. 19. Saturday closing.—County offices may in the discretion of the county commissioners of each county be closed in part or in whole on Saturdays. (1953, c. 388. 1955, c. 236. 1957, c. 291.)

Effect of amendments. — The 1955 amendment, which became effective on its approval, April 19, 1955, deleted the words "except that of the clerk of courts" after the word "offices" near the beginning of the section.

The 1957 amendment inserted the words "in part or in whole" in this section and deleted the words "in the months of June, July, August and September" which formerly appeared after the word "Saturdays".

Sec. 29. Loans.—The county commissioners may obtain loans of money for the use of their county and cause notes or obligations, with coupons for lawful interest, to be issued for payment thereof at such times as they deem expedient; but such loans shall not exceed \$10,000, except in Franklin county, without first obtaining the consent of the county, substantially as provided in section 27. (R. S. c. 79, § 26. 1957, c. 442, § 1.)

Effect of amendment.—The 1957 amendment added "except in Franklin county."

this section became effective on its approval, January 16, 1958.

Effective date.—The 1957 act amending

Sec. 29-A. Loans by Franklin county. — The county commissioners of Franklin county may obtain loans of money for the use of Franklin county, not to exceed \$50,000, and cause notes or obligations, with coupons for lawful interest, to be issued for payment thereof at such times as they deem expedient. Any loans of money in excess of the sum of \$10,000 shall be incurred only for the purpose of building, rebuilding, altering or otherwise improving county owned real estate and personal property contained therein. (1957, c. 442, § 2.)

Effective date.—The 1957 act adding this section became effective on its approval, January 16, 1958.

Sec. 30. Temporary loans.—The county commissioners of Cumberland, Washington and Kennebec counties may, without obtaining the consent of their respective counties, raise, by temporary loan to be paid within 1 year from the time when the same is contracted out of money raised during the current year by taxes, sums not exceeding \$400,000, \$75,000 and \$100,000, respectively, in any year for use of their respective counties and cause notes or obligations of their respective counties with coupons for lawful interest to be issued for payment thereof as aforesaid. The county commissioners of each and every other county may without obtaining the consent of their county raise by temporary loans to

be paid within 1 year from the time when the same is contracted out of money raised during the current year by taxes not exceeding $\frac{1}{5}$ of 1% of the assessed valuation of their respective counties. (R. S. c. 79, § 27. 1951, c. 380. 1955, c. 438. 1959, c. 296.)

Effect of amendments.—The 1955 amendment substituted “\$100,000” for “\$50,000” in that sentence. “\$400,000” for “\$250,000” and the 1959

Sec. 30-A. Surplus funds.—The county commissioners of any county may authorize the transfer of an amount from unencumbered surplus funds at the end of any fiscal year for the purpose of reducing the tax levy in the ensuing year or to supplement estimated revenues for the same purpose. (1955, c. 262. 1959, c. 172.)

Effect of amendment.—The 1959 amendment rewrote this section.

Sec. 30-B. Bonds. — A county having occasion to issue bonds may make them payable in installments extending over a period of not more than 50 years. (1957, c. 405, § 13.)

Sec. 31-A. Property taken for debt due from county.—The personal property of the residents and the real estate within the boundaries of a county may be taken to pay any debt due from the county. The owner of property so taken may recover from the county under section 32 of chapter 118. (1957, c. 405, § 14.)

Ways.

Sec. 39. Return filed; appeal.—The return of the commissioners, made at their next regular statute session after the hearing provided for in the preceding section, shall be placed on file and remain in the custody of their clerk for inspection without record. The case shall be continued to their next regular term of record, and at any time on or before the 3rd day thereof, if no appeal from the location be taken, all persons aggrieved by their estimate of damages shall file their notice of appeal. If no such notice is then presented or pending, the proceedings shall be closed, recorded and become effectual; all claims for damages not allowed by them be forever barred; and all damages awarded under the provisions of sections 35 to 47, inclusive, paid out of the county treasury except as provided in section 45. If an appeal from the location be taken in accordance with section 59, then notice of appeal on damages may be filed with the clerk of the county commissioners within 60 days after the final decision of the appellate court in favor of such way as has been certified to him, to the superior court in the county where the land is situated, which court shall determine the same in the same manner as is provided in section 42, when no appeal on location is taken. (R. S. c. 79, § 36. 1959, c. 317, § 37.)

Effect of amendment.—The 1959 amendment eliminated “first held” which formerly followed “superior court” in the last sentence and eliminated “more than 30 days after such notice of appeal is filed” formerly appearing before the words “which court” in the same sentence.

Effective date and applicability of Public Laws 1959, c. 317. — Section 420, chapter 317, Public Laws 1959, provides as follows: “This shall become effective December

1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all further proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail.”

Sec. 42. Appeal.—Any person aggrieved by the estimate of damages by the county commissioners, on account of the laying out or discontinuing of a way, may appeal therefrom, at any time within 30 days after the commissioners’ return is

made, to the superior court, in the county where the land is situated, which court shall determine the same by a committee of reference if the parties so agree, or by a verdict of its jury, and shall render judgment for the damages recovered, and judgment for costs in favor of the party entitled thereto, and shall issue execution for the costs only. The appellant shall file notice of his appeal with the county commissioners within the time above limited, and shall include in the complaint a statement setting forth substantially the facts, upon which the case shall be tried like other cases. The clerk shall certify the final judgment of the court to the county commissioners, who shall enter the same of record and order the damages therein recovered to be paid as provided in section 41. The party prevailing recovers costs to be taxed and allowed by the court, except that they shall not be recovered by the party claiming damages, but by the other party, if on such appeal by either party said claimant fails to recover a greater sum as damages than was allowed to him by the commissioners. The committee shall be allowed a reasonable compensation for their services to be fixed by the court upon the presentation of their report and paid from the county treasury upon the certificate of the clerk of courts. (R. S. c. 79, § 39. 1959, c. 317, § 38.)

Effect of amendment.—The 1959 amendment substituted in the first sentence "within 30 days after" for "before the 3rd day of the regular term succeeding that at which", changed the former phrase "the term of the superior court first held" to "the superior court" and eliminated "more than 30 days after the expiration of the time within which such appeal may be taken,

excluding the 1st day of its session" formerly appearing after the words "is situated" in such sentence. The amendment also substituted "shall include in the complaint a statement" for "at the 1st term of the court shall file a complaint" in the second sentence.

Effective date of 1959 amendment.—See note to § 39.

Sec. 42-A. Discontinuance of portions of county roads when reconstructed.—When the state highway department has constructed a highway over substantially the same route as that of a county road and has recorded the plans of same in the registry of deeds, the county commissioners may, on their own motion, after notice and hearing, proceed to alter or discontinue the portion of said county road not within the limits of said highway. They shall give notice and proceed as provided in sections 36, 38, 39, 40, 41 and 42, including serving any public utility having facilities located in said portion to be discontinued, and any aggrieved person shall have an appeal as therein provided. The plans prepared by the state highway department and on record in the registry of deeds may be referred to in describing those portions of the county road to be discontinued. (1959, c. 136.)

Sec. 56. Appeal; appointment of committee; duties; report. — Any party interested in such decision under section 55 may appeal therefrom to the superior court in said county within 30 days. All further proceedings before the commissioners shall be stayed until a decision is made in the appellate court. If no person appears to prosecute the appeal, the judgment of the commissioners shall be affirmed. If the appellant appears, the court may appoint a committee of 3 disinterested persons, who shall be sworn, and if one of them dies, declines or becomes interested, the court shall appoint another in his place and they shall cause notice to be given of the time and place of hearing before them by publication thereof in the state paper for 6 successive weeks, the last publication to be 14 days at least before the day of hearing, and personal notice to the appellant and to the chairman of the county commissioners, 30 days at least before the time set for hearing. They shall view the route, hear the parties and make their report to the court within 60 days or such further time as the court allows after their appointment, whether the judgment of the commissioners should be in whole or in part affirmed or reversed, which, being accepted and judgment thereon entered, shall forthwith be certified to the clerk of the commissioners. If the judgment of the commissioners in favor of laying out, grading or altering a way as prayed for is

wholly reversed on appeal, the commissioners shall proceed no further. If their judgment is affirmed in whole or in part, they shall carry into effect the judgment of the appellate court; and in all cases, they shall carry into full effect the judgment of the appellate court in the same manner as if made by themselves; and the party appealing or prosecuting shall pay the costs incurred since the appeal, if so adjudged by the appellate court, which may allow costs in such cases to the prevailing party to be paid out of the county treasury. The committee shall be allowed a reasonable compensation for their services, to be fixed by the court upon the presentation of their report and paid from the county treasury upon the certificate of the clerk of courts. The costs allowed to the prevailing party and the fees of the committee shall be collected as provided in section 37. (R. S. c. 79, § 53. 1949, c. 349, § 114. 1959, c. 317, § 39.)

Effect of amendment.—The 1959 amendment eliminated “the provisions of” formerly appearing before “section 55” in the first sentence and substituted “within 30 days” for “to be entered at the term thereof first held after such decision” at the end of that sentence, eliminated “at that term” following the word “appears” in the third sentence, and substituted “appellant appears” for “appeal is then entered, not

afterwards” near the beginning of the present fourth sentence. The amendment also divided the former fourth sentence into two sentences and substituted “to the court within 60 days or such further time as the court allows” for “at the next or 2nd term of the court” in the present fifth sentence.

Effective date of 1959 amendment.—See note to § 39.

Sec. 58. Highways laid out, altered or discontinued on same petition; appeal. — County commissioners in their counties may, upon the same petition, lay out, alter or discontinue highways through a town or towns or a plantation or plantations and tracts of land not in any town or plantation; and in respect to that part of the highway situate in any town or plantation required by law to raise money to make and repair highways, the same proceedings shall be had as are now provided by law in case of a petition to lay out, alter or discontinue highways leading from town to town; and in respect to that part of the highway not situate in any town or plantation required by law to raise money to make and repair highways, the same proceedings shall be had as are now provided by law in case of a petition to lay out, alter or discontinue a highway in places not incorporated. The time and place of hearing upon such petition shall be according to section 55. In case of an appeal to the superior court, the appeal may be made within 30 days after the return of the commissioners has been placed on the files. The proceedings upon the appeal shall be according to section 56. If no appeal is made, the case shall be continued to the next regular term after the regular term to which the return is made. (R. S. c. 79, § 55. 1959, c. 317, § 40.)

Effect of amendment.—The 1959 amendment divided the former second sentence into three sentences, eliminated “the provisions of” preceding “section 55” in the present second sentence, substituted “within 30 days” for “at any time” and eliminated “and before the next term of said

court in the county” at the end of the present third sentence, and eliminated “the provisions of” preceding “section 56” in the present fourth sentence.

Effective date of 1959 amendment.—See note to § 39.

Sec. 59. Petition for laying out highway; appeal; stay of proceedings.—Parties interested may appear, jointly or severally, at the time of hearing before the commissioners on a petition for laying out, altering, grading or discontinuing a highway. Any such party may appeal from their decision thereon within 30 days after it has been placed on file to the superior court in said county, which appeal may be prosecuted by him or by any other party who so appeared. All further proceedings before the commissioners shall be stayed until a decision is made in the appellate court. (R. S. c. 79, § 56. 1959, c. 317, § 41.)

Effect of amendment.—The 1959 amendment divided the former first sentence into

two sentences and substituted “within 30 days” for “at any time”, and “to the su-

perior court in said county, which appeal may be" for "and before the next term of the superior court in said county, at which term such appeal may be entered and" in the present second sentence.

Effective date of 1959 amendment.—See note to § 39.

Sec. 60. Proceedings on appeal.—If no person appears to prosecute the appeal provided for in section 59, the judgment of the commissioners may be affirmed. If the appellant appears, the court may appoint a committee of 3 disinterested persons, who shall be sworn, and if one of them dies, declines or becomes interested, the court may appoint some suitable person in his place. They shall give such notice as the court has ordered, view the route, hear the parties and make their report to the court within 60 days or such further time as the court allows after their appointment, whether the judgment of the commissioners should be in whole or in part affirmed or reversed; which, being accepted and judgment thereon entered, shall forthwith be certified to the clerk of the commissioners. (R. S. c. 79, § 57. 1959, c. 317, § 42.)

Effect of amendment.—The 1959 amendment eliminated "at that term" following "appears" in the first sentence, divided the former second sentence into two sentences, substituted "appellant appears" for "appeal is then entered, not afterwards" in the present second sentence and substituted

"to the court within 60 days or such further time as the court allows" for "at the next or 2nd term of the court" in the last sentence.

Effective date of 1959 amendment.—See note to § 39.

Sec. 63. Assessment on lands for opening roads in unorganized territory; lien; part of expense on county; appeal; agent to superintend building of road.—When a road is laid over lands under the provisions of section 55, the county commissioners shall at their first regular session thereafter assess thereon and on adjoining townships benefited thereby, such an amount as they judge necessary for making, opening and paying expenses attending it; and such assessment shall create a lien thereon for the payment thereof; and they may make as many divisions as are equitable, conforming as nearly as is convenient to known divisions and separate ownerships, and may assess upon each a sum proportional to the value thereof and the benefits likely to result to the same by the establishment of the road; when such assessment would be unreasonably burdensome to such owners, they shall assess an equitable sum on the county and the balance only on such land. Any person aggrieved by an assessment may appeal to the superior court within 30 days. The presiding justice shall, on hearing the case, determine what part of said assessment shall be paid by the owners of the tract or township, and what part, if any, by the county, and there shall be no appeal from such decision. They shall, at the same time, fix the time for making and opening such road, not exceeding 2 years from the date of the assessment, and appoint an agent or agents, not members of their board, to superintend the same, who shall give bond to the treasurer of the county, with sureties approved by them, to expend the money faithfully and to render account thereof on demand; and they shall publish a list of the townships and tracts of land so assessed, with the sum assessed on each, and the time in which the road is to be made and opened, in the state paper, and in some paper, if any, printed in the county where the lands lie, 3 weeks successively, the last publication to be within 3 months from the date of the assessment. (R. S. c. 79, § 60. 1959, c. 317, § 43.)

Effect of amendment.—The 1959 amendment divided the former second sentence into two sentences, substituted "within 30 days" for "at the term thereof first held after such assessment; and the" at the end

of the present second sentence and substituted "justice" for "judge at that term" in what is now the third sentence.

Effective date of 1959 amendment.—See note to § 39.

Sec. 65. Roads in unorganized territory and deorganized towns inspected; assessments for repairs; agent to superintend repairs.—Such

county commissioners in September or October annually, by one or more of their board, shall make an inspection of all county roads, state and state aid highways and other roads originally located as town roads in the unorganized territory, deorganized towns and tracts of land in their counties and shall thereupon make an estimate of the amount needed for repairs, cutting bushes, maintenance, snow removal and improvements, so as to comply with the provisions of the state highway laws, and to otherwise make them safe and convenient for public travel for the following year and assess thereon not exceeding 3% of the valuation thereof, and shall assess on the county the balance of such amount if such amount of 3% is not sufficient to properly comply with the above requirements. Such assessments shall be made upon the total valuation of each unorganized township, deorganized town and lot or parcel of land not included in any township, according to the last state valuation, and shall not exceed 3% of the value thereof on the landowners. Such county commissioners shall cause so much thereof, as they deem necessary for the purpose aforesaid, to be expended on said roads within 5 years from the date of assessment, which assessment shall create a lien thereon for the payment thereof. They shall make such assessment not later than April 1st of the following year and lists containing the road repair tax millage rate and the total amount of such tax assessed upon each unorganized township, deorganized town and lot or parcel of land not included in any township, according to the last state valuation, shall immediately be certified and transmitted by the county treasurer to the state tax assessor. The state tax assessor shall determine the amount of tax due, in accordance with the provisions of section 79 of chapter 16, and shall include such amounts in the statements referred to in section 82 of chapter 16. Collection of such road repair taxes shall be enforced in the same manner as provided for the enforcement of collection of county taxes. The county commissioners at the time the taxes provided for by this section are assessed may appoint an agent or agents, skilled in road building, not members of their board, to superintend the expenditure thereof, who shall give bonds as provided in section 63. (R. S. c. 79, § 62. 1945, c. 41, § 32; c. 111; c. 378, § 64. 1951, c. 144. 1953, c. 156, § 7. 1957, c. 227.)

Effect of amendment. — The 1957 amendment made the necessary changes in wording to replace the former first sentence with the present first three sentences, substituted "unorganized territory, deorganized towns" for "unincorporated townships" and increased the percentage mentioned from 2% to 3% in the present

first sentence, inserted the words "deorganized town" and increased the percentage from 2% to 3% in the present second sentence, inserted "deorganized town" in the fourth sentence, and deleted the former last sentence which related to assessments in deorganized towns.

Fire Protection and Public Services for Townships.

Sec. 71-A. Assessment for fire protection tax.—The county commissioners of Aroostook county are authorized, on behalf of the inhabitants of Connor and Silver Ridge townships, of Township 17, R. 4 and Township 17, R. 5, and the county commissioners of Piscataquis county are authorized, on behalf of the inhabitants of Medford and Orneville townships, and the county commissioners of Oxford county are authorized on behalf of the inhabitants of Albany township, and the county commissioners of Penobscot county are authorized, on behalf of the inhabitants of Argyle and Kingman townships to enter into contracts on such terms as they deem fit with one or more persons, associations or municipalities, or to take such other steps as they deem advisable, to provide fire protection, other than forest fire protection, for the townships of Connor, Silver Ridge, Township 17, R. 4, Township 17, R. 5, Medford, Orneville, Albany, Argyle and Kingman. The county commissioners shall annually assess upon the townships an amount sufficient to provide for such protection, and said assessment shall be certified and transmitted by the county treasurers to the state tax assessor not later than April

1st of each year, provided said assessment in respect to Township 17, R. 4 and Township 17, R. 5 shall not exceed \$505 each in any one year. The state tax assessor shall determine the amount of tax due, in accordance with the provisions of chapter 16, section 79, and shall include such amounts in the statements referred to in chapter 16, section 82. Collection of such fire protection tax shall be enforced in the same manner as provided for the enforcement of collection of county taxes. (1955, c. 405, § 37. 1957, cc. 173, 446. 1959, c. 363, § 41.)

Effect of amendments. — Chapter 173, P. L. 1957, inserted “and Township 17, R. 5,” in two places in the first sentence and inserted the proviso as to maximum assessment in Township 17, R. 4 and Township 17, R. 5 in the second sentence.

The 1959 amendment made the section

applicable to Argyle and Kingman townships in Penobscot county.

Chapter 446, P. L. 1957, also made the section applicable to these areas but referred to them as “Argyle Township and Kingman Plantation.”

Sec. 71-B. Assessment for public services tax.—The county commissioners of Washington county are authorized, on behalf of the inhabitants of Prescott, Marion and Edmunds townships, to enter into contracts on such terms as they deem fit with one or more persons, associations or municipalities, or to take such other steps as they deem advisable, to provide fire protection, other than forest fire protection, and public dumps for said townships. Said commissioners are authorized on behalf of the inhabitants of Topsfield, Lambert Lake and Brookton townships to enter into similar contracts or to take similar steps to provide public dumps for said townships. Said commissioners are authorized on behalf of the inhabitants of Baring to enter into similar contracts or to take similar steps to provide fire protection, other than forest fire protection, public dumps, public sewers and street lighting for said township. The county commissioners shall annually assess upon said townships an amount sufficient to provide for such services, said tax not to exceed $\frac{1}{2}$ of 1% of the valuation of said townships, and said assessment shall be certified and transmitted by the county treasurer to the state tax assessor not later than April 1 each year. The state tax assessor shall determine the amount of tax due, in accordance with the provisions of section 79 of chapter 16, and shall include such amount in the statements referred to in section 82 of chapter 16. Collection of such tax shall be enforced in the same manner as provided for the enforcement of collection of county taxes. (1955, c. 405, § 37.)

Sec. 71-C. Assessment for fire protection tax.—The county commissioners of Oxford county are authorized, on behalf of the inhabitants of Milton township to enter into contracts on such terms as they deem fit with one or more persons, associations or municipalities, or to take such other steps as they deem advisable, to provide fire protection, other than forest fire protection, for Milton township. The county commissioners shall annually assess upon said township an amount sufficient to provide for such protection, and said assessment shall be certified and transmitted by the county treasurers to the state tax assessor not later than April 1 of each year. The state tax assessor shall determine the amount of tax due, in accordance with the provisions of section 79 of chapter 16, and shall include such amounts in the statements referred to in section 82 of chapter 16. Collection of such fire protection tax shall be enforced in the same manner as provided for the enforcement of collection of county taxes. (1955, c. 288.)

Ferries and Toll Bridges.

Sec. 73. Ferries; tolls; bond; property appraised.

Cited in *Beals v. Beal*, 150 Me. 80, 104 A. (2d) 530.

Meridian Lines and Standards of Length.

Sec. 94-A. Exception.—The provisions of sections 89 to 94, inclusive, shall not apply to the county of Kennebec. (1955, c. 108.)

Clerks of the Judicial Courts.

Election, Powers, Duties, Salaries, Fees, etc.

Sec. 98. Salaries.—The clerks of the judicial courts in the several counties shall receive annual salaries as set forth in section 254.

The salaries of the clerks of the judicial courts shall be in full compensation for the performance of all duties required of clerks including those performed by them as clerks of the supreme judicial court, the superior court and the county commissioners, or by clerks pro tempore employed by them. The sum provided for the clerk in Lincoln county shall be in full for all such services and also in full for services as clerk of Lincoln municipal court, except as provided in chapter 103, section 13. They shall account quarterly under oath to the county treasurer for all fees received by them or payable to them by virtue of the office, except fees collected by them in naturalization proceedings, specifying the items, and shall pay the whole amount of the same to the treasurers of their respective counties quarterly on the 15th days of January, April, July and October of each year. (R. S. c. 79, § 114. 1945, c. 167, § 2; c. 170; c. 206, § 1; c. 262, § 1; c. 263; c. 280, § 2; c. 322, § 1. 1947, c. 157, § 2; cc. 202, 210, 287. 1949, c. 185; c. 186, § 1; c. 198; c. 214, § 2; cc. 220, 287, 307, 330; c. 424, § 1. 1951, cc. 221, 224; c. 312, § 2; c. 313, § 2. 1953, c. 38, § 1; cc. 53, 61, 76; c. 135, § 2; c. 142, § 2; c. 149, § 1; c. 170; c. 216, § 2; c. 247, § 1; c. 269, § 2; c. 276, § 2; c. 278, § 2. 1955, c. 266, § 1; c. 327, § 1; c. 394, § 1; c. 445, § 7; c. 447, § 1; c. 459, § 2; c. 464, § 1; c. 470, § 2. 1957, c. 179; c. 416, §§ 2, 11, 19, 24, 32, 40, 42, 50, 56, 63, 66, 72, 82. 1959, c. 372, § 2.)

Effect of amendments.—Prior to the 1959 amendment, the salaries were set out in this section. The amendment also divided the former first sentence in the last paragraph into two sentences and substituted "The salaries of the clerks of the judicial courts" for "The sums above mentioned" at the beginning of that paragraph.

The 1955 and 1957 amendments, with the exception of P. L. 1957, c. 179, all related to particular salaries. Chapter 179, P. L. 1957, changed the time of payment in the last sentence of this section from the "1st" to the "15th" day of the months enumerated.

Editor's note.—P. L. 1959, c. 372, amending this section, provided in sections 12, 13 and 14 thereof as follows:

"Sec. 12. Private and special laws amended. All private and special laws, providing salaries and clerk hire for judges

and recorders of municipal courts to be paid from the county treasury, shall be amended to read, in place of the salaries set forth therein, 'shall receive such salaries as established by the Revised Statutes of 1954, chapter 89, section 254, as amended,' and further amended by striking out all provisions for clerk hire.

Sec. 13. Effective date in certain counties. The salaries set forth in section 7 as they relate to the counties of Androscoggin, Aroostook, Hancock, Kennebec, Knox, Lincoln, Piscataquis, Somerset, Waldo and York shall be retroactive to January 1, 1959.

Sec. 14. Effective date. The salaries as set forth in section 7 shall be effective October 1, 1959, except as otherwise provided in this act."

Sec. 99. Fees.

For filing each warrant for state sales or use tax, \$1. (R. S. c. 79, § 115. 1949, c. 413. 1959, c. 190, § 2.)

Effect of amendment.—The 1959 amendment added the paragraph appearing above at the end of the section.

As the other paragraphs of the section were not changed by the amendment they are not set out.

Sec. 107. Record of civil cases.—After the rendition of final judgment or decree in any civil case at law or in equity, the clerk shall as soon as may be

make such a record thereof in short form, except in such specific instances as the court by general rule or special order may direct. If either party, however, files a request and tenders the fees therefor, a full, extended record shall be made. The court may establish the form of such short form record and full, extended record. (R. S. c. 79, § 123. 1957, c. 225.)

Effect of amendment. — The 1957 amendment substituted the words “in short form, except in such specific instances as the court by general rule or special order may direct” for the words “as the court by general rule or special order may direct” in the first sentence and inserted the words “short form record and” in the last sentence.

Sec. 109. Examination and correction of records.—The chief justice of the supreme judicial court may cause the records of each clerk to be examined, and when found deficient, direct them to be immediately made or corrected, and when such order is not obeyed, the fact of such deficiency shall be certified to the treasurer of state, who shall cause the clerk’s bond to be sued. (R. S. c. 79, § 125. 1957, c. 209.)

Effect of amendment. — The 1957 amendment, which became effective on its approval, May 2, 1957, substituted the words “chief justice of the supreme judicial court may” for the words “superior court shall” at the beginning of the section and deleted the words “at least as often as there is a change of clerk” formerly appearing after the word “examined.”

County Attorneys.

Election, Salaries, Powers, Duties, etc.

Sec. 114. Salaries.—County attorneys of the several counties shall receive annual salaries as set forth in section 254. (R. S. c. 79, § 130. 1945, c. 34; c. 161, § 1; cc. 168, 178, 187; c. 202, § 1; c. 229; c. 280, § 3; c. 322, § 2. 1947, cc. 113, 114, 121, 122; c. 154, § 2; cc. 383, 389. 1949, c. 214, § 3; cc. 334, 337, 338; c. 424, § 2. 1951, c. 311, § 2; c. 312, § 3; c. 313, § 3. 1953, c. 269, § 3; cc. 271, 272, 273, 275; c. 276, § 3; c. 277; c. 278, § 3. 1955, c. 440; c. 445, § 2; c. 447, § 6; cc. 448, 453; c. 459, § 3; c. 464, § 7; c. 469, §§ 1, 2; c. 470, § 3. 1957, c. 93, § 1; c. 353; c. 406, §§ 1-8. 1959, c. 41, § 1; c. 372, §§ 3, 11.)

Effect of amendments.—Chapter 372, § 3, P. L. 1959, rewrote this section.

The 1955 and 1957 amendments, as well as the first 1959 amendment (which was repealed by § 11, c. 372, P. L. 1959), related to the particular salaries which formerly were set out in the section.

Editor’s note.—P. L. 1959, c. 372, amending this section, provided in sections 12, 13 and 14 thereof as follows:

“Sec. 12. Private and special laws amended. All private and special laws, providing salaries and clerk hire for judges and recorders of municipal courts to be paid from the county treasury, shall be amended to read, in place of the salaries

set forth therein, ‘shall receive such salaries as established by the Revised Statutes of 1954, chapter 89, section 254, as amended,’ and further amended by striking out all provisions for clerk hire.

Sec. 13. Effective date in certain counties. The salaries set forth in section 7 as they relate to the counties of Androscoggin, Aroostook, Hancock, Kennebec, Knox, Lincoln, Piscataquis, Somerset, Waldo and York shall be retroactive to January 1, 1959.

Sec. 14. Effective date. The salaries as set forth in section 7 shall be effective October 1, 1959, except as otherwise provided in this act.”

Sec. 115. Duties in civil proceedings; compensation.

The county attorney in each county shall appear for the county, under the direction of the county commissioners, in all suits and other civil proceedings in which the county is a party or interested, or in which the official acts and doings of said county commissioners are called in question, in all the courts of the state, and in such suits and proceedings before any other tribunal when requested by said commissioners. All such suits and proceedings shall be prosecuted by him

or under his direction. He shall prosecute to final judgment and execution all civil cases in which the state is a party in his county and shall institute proceedings against sureties on any recognizance upon which the principal and sureties have been defaulted, before the term next succeeding that at which such default was entered upon the docket of the court, unless by order in open court the presiding justice shall grant a delay in proceedings against such sureties.

(1959, c. 317, § 44.)

Effect of amendment.—The 1959 amendment substituted “proceedings” for “scire facias” near the beginning of the last sentence of the first paragraph and substituted “proceedings against such sureties” for “matters of scire facias” at the end of that sentence.

As the last paragraph was not affected by the amendment, it is not set out.

Effective date and applicability of Public Laws 1959, c. 317. — Section 420, chapter 317, Public Laws 1959, provides as follows:

Sec. 123. Assistant county attorneys for Cumberland county; duties.

—The county attorney of the county of Cumberland may appoint 2 assistant county attorneys, one to be known as first assistant county attorney and the other to be known as second assistant county attorney, to be approved by a justice of the superior court resident in said county or by the chief justice of the supreme judicial court. Said assistants shall take the oath prescribed for county attorneys; and assist the county attorney in the ordinary duties of his office, in the drawing of indictments, in the hearing of complaints before the grand jury and in the preparation and trial of criminal causes. They shall, when directed by the county attorney, act as counsel for the state in the trial of complaints before judges of municipal courts and trial justices. They shall hold their office during the term of the county attorney by whom they were appointed, subject to removal at any time by the chief justice of the supreme judicial court. (R. S. c. 79, § 139. 1959, c. 41, § 2.)

Effect of amendment.—Prior to the 1959 amendment, effective March 12, 1959, the section provided for only one assistant.

Editor’s note.—P. L. 1959, c. 41, amending this section, provided in section 3 thereof as follows:

“Sec. 3. Appropriation. There is appro-

“This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all further proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail.”

priated from the general fund to the personal services category of the attorney general the sum of \$550 for the fiscal year ending June 30, 1959; \$3,300 for the fiscal year ending June 30, 1960 and \$3,300 for the fiscal year ending June 30, 1961 to carry out the purposes of this act.”

Sec. 125-A. Assistant county attorney for Kennebec county; duties; term of office.—The county attorney of the county of Kennebec may appoint an assistant to be approved by the chief justice of the supreme judicial court. Said assistant shall take the oath prescribed for county attorneys and assist the county attorney in the ordinary duties of his office, in the drawing of indictments, in the hearing of complaints before the grand jury and in the preparation and trial of criminal causes. He shall, when directed by the county attorney, act as counsel for the state in the trial of complaints before judges of municipal courts and trial justices. The assistant county attorney shall hold his office during the term of the county attorney by whom he was appointed, subject to removal at any time by the chief justice of the supreme judicial court. (1955, c. 470, § 4.)

Sec. 125-B. Assistant county attorney for Aroostook county; duties; term of office.—The county attorney of the county of Aroostook may appoint an assistant, who shall be a resident of the county and duly admitted to the practice of law in this state, to be approved by a justice of the superior court resident in said county or by the chief justice of the supreme judicial court, and who

shall hold his office during the term of the county attorney by whom he was appointed, subject to removal at any time by the chief justice of the supreme judicial court. Said assistant shall take the oath prescribed for county attorney and assist the county attorney in the ordinary duties of his office, in the drawing of indictments, in the hearing of complaints before the grand jury and in the preparation and trial of criminal causes. He shall, when directed by the county attorney, act as counsel for the state in the trial of complaints before municipal courts and trial justices. (1957, c. 93, § 2.)

Effective date.—The act adding this section became effective on its approval, March 29, 1957.

County Treasurers.

Election, Salaries, Duties, etc.

Sec. 129. Repealed by Public Laws 1957, c. 180, § 2.

Sec. 129-A. Deputy treasurers.—The county commissioners of the several counties may appoint deputy treasurers for their respective counties. Such deputy treasurer shall assist the treasurer in performing the duties of his office. He shall give bond to the county for the faithful discharge of his duties in such sum as the county commissioners order and with such sureties as they approve in writing thereon, the premium of such bond to be met by the county. (1957, c. 180, § 1.)

Sec. 130. Salaries.—County treasurers and their deputies shall receive annual salaries as set forth in section 254. (R. S. c. 79, § 146. 1945, cc. 33, 157; c. 161, § 2; c. 167, § 3; cc. 171, 190; c. 280, § 4; c. 314; c. 322, § 3. 1947, c. 120; c. 154, § 3; c. 157, § 3; cc. 203, 284, 297. 1949, c. 184; c. 186, § 2; c. 189; c. 214, § 4; c. 308, § 2; c. 361; c. 424, § 3. 1951, cc. 59, 247, 275; c. 311, § 3; c. 312, § 4; c. 313, § 8; c. 326, § 2. 1953, cc. 30, 52, 118, 119; c. 149, § 2; c. 179, § 2; c. 216, § 3; c. 247, § 2; c. 269, § 4; c. 276, § 4; c. 278, § 4; c. 288, § 1. 1955, c. 266, § 2; c. 287; c. 319, § 2; c. 394, § 2; c. 445, § 3; c. 459, § 4; c. 464, § 2; c. 470, § 5. 1957, c. 416, §§ 3, 12, 20, 25, 37, 43, 51, 57, 67, 77. 1959, c. 372, § 4.)

Effect of amendments.—Prior to the 1959 amendment the salaries were set out in this section.

The 1955 and 1957 amendments all related to particular salaries.

Editor's note.—P. L. 1959, c. 372, amending this section, provided in sections 12, 13 and 14 thereof as follows:

"Sec. 12. Private and special laws amended. All private and special laws, providing salaries and clerk hire for judges and recorders of municipal courts to be paid from the county treasury, shall be amended to read, in place of the salaries set forth therein, 'shall receive such sal-

aries as established by the Revised Statutes of 1954, chapter 89, section 254, as amended,' and further amended by striking out all provisions for clerk hire.

Sec. 13. Effective date in certain counties. The salaries set forth in section 7 as they relate to the counties of Androscoggin, Aroostook, Hancock, Kennebec, Knox, Lincoln, Piscataquis, Somerset, Waldo and York shall be retroactive to January 1, 1959.

Sec. 14. Effective date. The salaries as set forth in section 7 shall be effective October 1, 1959, except as otherwise provided in this act."

Sec. 133. Receive costs in favor of state.—Costs in all civil actions in the name of the state, paid before execution issues, shall be paid to the clerk of the court where the suit is pending and be by him paid, without deduction, to the county treasurer. (R. S. c. 79, § 149. 1959, c. 317, § 45.)

Effect of amendment.—The 1959 amendment eliminated the words "on scire facias or other process" which formerly appeared

after the word "state."

Effective date of 1959 amendment.—See note to § 115.

Sec. 135. Payments to county law libraries.

Androscoggin, \$3,500,

Aroostook, \$3,300 of which \$2,200 shall be for the use and benefit of the county law library in the court house at Houlton in said county and \$1,100 shall be for the use and benefit of the county law library in the court house at Caribou in said county,

Franklin, \$1,750,

Hancock, \$2,500,

Kennebec, \$3,250,

Knox, \$1,500,

Lincoln, \$5,000 for the year 1959, \$5,000 for the year 1960 and \$2,000 annually thereafter,

Oxford, \$4,250, of which \$2,000 shall be for the use and benefit of the county law library at South Paris and \$2,250 shall be for the use and benefit of the county law library at Rumford,

Penobscot, \$2,250,

Piscataquis, \$1,500,

Somerset, \$3,000,

Washington, \$1,500,

York, \$4,500 for the year 1959 and \$3,000 annually thereafter.

(1955, cc. 35, 91, 93, 225, 232. 1957, cc. 49, 88, 91, 137, 147, 434. 1959, cc. 4, 23, 24, 46, 49, 56, 89, 145, 193, 363, §§ 42, 52.)

Effect of amendments.—This section was amended five times in 1955, by P. L. cc. 35, 91, 93, 225 and 232, which increased the payments for the county law libraries in Piscataquis, Oxford, Androscoggin, Knox and Kennebec counties respectively.

This section was amended six times by the Public Laws of 1957. Chapter 49, retroactive in effect to January 1, 1957, increased the payments in Hancock county. Chapter 88 increased the payments in Piscataquis county. Chapter 91 increased the three sums mentioned in the paragraph relative to Aroostook county. Chapter 137 increased the payment in Kennebec county. Chapter 147 increased the payment in Penobscot county. Chapter 434, effective January 16, 1958, increased the payment in Androscoggin county.

The section was amended ten times by the Public Laws of 1959. Chapter 23 in-

creased the payment in Somerset county. Chapter 24 increased the payment in Franklin county. Chapter 46 rewrote the portion of the section relating to Lincoln county. Chapter 49 increased the payment in Hancock county. Chapter 56 increased the payment in Kennebec county. Chapter 89 rewrote the portion relating to York county. Chapter 145 increased the payment in Washington county. Chapter 193 increased the payment in Penobscot county. Chapter 363, section 42, retroactive to January 1, 1959, rewrote the portion relating to Oxford county. Section 52 of c. 363 repealed P. L. 1959, c. 4, which had increased the payment in Oxford county and which also was retroactive in effect to January 1, 1959.

As the rest of the section was not changed by the amendments, only the lines relating to these counties are set out.

Sheriffs and Their Deputies.**Election, Powers, Duties, Salaries, Fees, etc.**

Sec. 149. Salaries.—The sheriffs of the several counties shall receive annual salaries as set forth in section 254, together with free rental of the house or living apartment connected with the county jail in each county, including the necessary light and fuel. Said salaries shall be in full compensation for services in attendance upon the supreme judicial court and upon the superior court, as jailer, master or keeper of the jail in each county, for receiving and committing prisoners therein and for the service of all criminal processes and the performance of all duties relating to the enforcement of all criminal laws. All actual and necessary expenses for travel and hotel bills within their respective counties and such necessary incidental expenses as are just and proper, incurred in the per-

formance of their public duties, including all necessary expense for aid in keeping the jails, shall be allowed by the respective boards of county commissioners of said counties and paid from the county treasuries. (R. S. c. 79, § 165. 1945, c. 161, § 3; cc. 172, 241, 242, 243; c. 262, § 2; c. 280, § 5; c. 322, § 4; c. 352. 1947, c. 112; c. 154, § 4; c. 157, § 4; cc. 198, 207, 282. 1949, c. 178; c. 186, § 3; c. 214, § 5; cc. 255, 285; c. 308, § 3; c. 331; c. 424, § 4. 1951, cc. 226, 231; c. 311, § 4; c. 312, § 5; c. 313, § 9; cc. 335, 370. 1953, c. 38, § 2; c. 124; c. 179, § 3; c. 269, § 5; c. 276, § 5; c. 278, § 5. 1955, c. 266, § 3; c. 319, § 3; c. 336; c. 394, § 3; c. 445, § 4; c. 447, § 5; c. 459, § 5; c. 464, § 3; c. 470, § 6. 1957, c. 416, §§ 4, 13, 21, 26, 33, 38, 44, 58, 68, 74, 78. 1959, c. 372, § 5.)

Effect of amendments.—Prior to the 1959 amendment the first sentence specified the amounts of the respective salaries and provided for monthly or weekly payments.

Each of the 1955 and 1957 amendments increased the particular salaries.

Editor's note.—P. L. 1959, c. 372, amending this section, provided in sections 12, 13 and 14 thereof as follows:

"Sec. 12. Private and special laws amended. All private and special laws, providing salaries and clerk hire for judges and recorders of municipal courts to be paid from the county treasury, shall be amended to read, in place of the salaries set forth therein, 'shall receive such sal-

aries as established by the Revised Statutes of 1954, chapter 89, section 254, as amended,' and further amended by striking out all provisions for clerk hire.

Sec. 13. Effective date in certain counties. The salaries set forth in section 7 as they relate to the counties of Androscoggin, Aroostook, Hancock, Kennebec, Knox, Lincoln, Piscataquis, Somerset, Waldo and York shall be retroactive to January 1, 1959.

Sec. 14. Effective date. The salaries as set forth in section 7 shall be effective October 1, 1959, except as otherwise provided in this act."

Sec. 150. Fees.

I. For service of all writs with summons, precepts, notices, subpoenas, executions, court orders, orders of service, copies, bills in equity with subpoena issued thereon and all other civil process or papers requiring service which are not specifically hereinafter enumerated, they shall receive therefor \$3 for each such service. (1957, c. 339)

II. For the service of petition and subpoena for disclosure before commissioner or for the service of citation by copy to creditor as provided by chapter 120, §4. (1957, c. 339)

III. For the service of libel for divorce inserted in writ of attachment by serving summons and attested copy of writ and libel, or for the service of libel for divorce with order of court thereon by attested copy, \$5. (1957, c. 339)

IV. For attachment of real estate at registry of deeds, which includes fee of 50¢ to registry, \$4. (1957, c. 339)

V. For attachment of personal property or for the service of writ of replevin, \$5, and in addition thereto \$1 for each hour after the first required for such service. (1957, c. 339)

XIV. For attending court and keeping the prisoner in criminal cases, \$11 a day, and in that proportion for a greater or shorter length of time. (1959, c. 328, § 1.)

XV. Every deputy sheriff and court messenger, while in attendance upon the supreme judicial court or the superior court in their several counties except as provided in section 14 of chapter 103, shall receive for said attendance and service \$10 a day while the court is in session to run continuously from the commencement of such attendance and service until adjournment unless sooner released by the court, plus their actual travel at 20¢ a mile from their place of abode for each day's attendance. The superior court messenger of Cumberland county shall also receive \$11 per day for court vacation time, service and attendance when said service and attendance are authorized by a justice of the superior court. (1955, c. 267. 1959, c. 328, § 3.)

XVI. Every deputy sheriff while performing special duties under order of the sheriff shall receive for such services \$11 a day, together with necessary, incidental expenses, to be paid from the county treasury, the bills for which shall be audited as provided in chapter 150, section 2. Such officers shall not be entitled to fees for any services rendered in criminal matters while acting as per diem officers. (1953, cc. 32, 297. 1959, c. 328, § 2.)

XIX. For the services of a sales or use tax warrant and arrest as provided by chapter 17, sections 33-A to 33-D, the same as for service of civil process, and for civil arrests. For collecting sales or use taxes, penalties and interest, pursuant to such warrants, for every dollar of the first \$100, 4¢; for every dollar above \$100 and not exceeding \$200, 3¢; and for every dollar above \$200, 2¢. Additional services, including travel, shall be charged as elsewhere in this section provided. [1959, c. 190, § 3]. (R. S. c. 79, § 166. 1945, c. 293, § 14; c. 318; c. 378, § 66. 1947, c. 313, §§ 1, 2, 3. 1951, c. 212, §§ 1, 2. 1953, cc. 32, 297, 312. 1955, c. 267. 1957, c. 339. 1959, c. 190, § 3; c. 328, §§ 1, 2, 3.)

Effect of amendments.—The 1955 amendment rewrote subsection XV.

The 1957 amendment increased the fees in subsections I to V.

The section was amended twice by Public Laws of 1959. Chapter 328 substituted “\$11” for “\$10” in subsections XIV, XV and XVI, substituted “chapter 150, section

2” for “section 2 of chapter 150” in subsection XVI and eliminated “Provided, however, that” formerly appearing at the beginning of the last sentence in subsection XVI. Chapter 190 added subsection XIX.

As the rest of the section was not changed by the amendments, it is not set out.

Sec. 151. Deputies; list; uniforms.—Every sheriff, elected or appointed, may appoint deputies for whose official misconduct and neglect he is answerable. Their appointment and discharge shall be in writing, signed by him, and recorded in the office of the clerk of courts in his county and are not valid until so lodged and recorded, except by operation of law or by vacancy in the office of sheriff. He shall also furnish to the clerk of courts in each county the names of the deputies by him appointed from time to time, with the residence and post-office address of each. He shall require any of said deputies, while engaged in the enforcement of the provisions of section 153 of chapter 22, to wear a uniform sufficient to identify themselves as officers of the law. Upon approval of the county commissioners, uniforms required by this section, but not exceeding 4 for any one county, shall be furnished by the county. (R. S. c. 79, § 167. 1951, c. 123. 1959, c. 271.)

Effect of amendment.—The 1959 amendment substituted “4” for “2” in the last sentence.

Sec. 152. Special deputies.—Sheriffs may at any time appoint and train as special deputies citizens more than 18 years of age. The sheriff or his chief deputy shall order any or all of said special deputies to active duty when a state of war exists, or when the governor shall proclaim an emergency under chapter 12, or when the state director of civil defense and public safety declares that a state of emergency is imminent. Such special deputies shall exercise all the powers of deputy sheriffs appointed under the general law except the service of civil process, for the duration of the emergency that exists or which has been proclaimed or during the time for which they have been ordered to active duty. Such special deputies shall be personally responsible for any unreasonable, improper or illegal acts committed by them in the performance of their duties, but the sheriffs shall not be liable upon their bonds or otherwise for any neglect or misdoings of such deputies. (R. S. c. 79, § 168. 1955, c. 393. 1959, c. 179.)

Effect of amendments.—The 1959 amendment rewrote the former first sentence, dividing it into three sentences. The 1955 amendment had inserted in such former

first sentence a provision as to a declaration of a state of emergency under chapter 12. The last sentence of the section was not changed by either amendment.

Sec. 164. Person injured by misdoings of sheriff may sue his bond at his own expense; indorsement of writ; costs; judgment.—Any person injured by the neglect or misdoings of a sheriff, who has first ascertained the amount of his damages by judgment in a suit against him, his executors or administrators, or by a decree of the probate court allowing his claim, may, at his own expense in the name of the treasurer of state, institute a suit on his official bond in the county where he was authorized to act and prosecute it to final judgment and execution. His name and place of residence or that of his attorney shall be indorsed on the writ, summons or complaint and the indorser alone is liable for costs. If judgment is rendered for the treasurer of state, it shall be for the damages ascertained as aforesaid, or so much thereof as remains unpaid, with interest; and the party's name for whom the suit was brought shall be expressed in the execution issued thereon. If the judgment is for the defendant, it shall be against the party for whom the suit was brought. (R. S. c. 79, § 180. 1959, c. 317, § 46.)

Effect of amendment.—The 1959 amendment added "summons or complaint" in the second sentence.

Effective date and applicability of Public Laws 1959, c. 317. — Section 420, chapter 317, Public Laws 1959, provides as follows: "This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all fur-

ther proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail."

Sec. 165. Actions on sheriff's bond; proceedings.—Any other person having a right of action on such bond may file an additional complaint in the same action in the office of the clerk of courts, who shall issue a summons, directed to the defendant, specifying the cause of action and the amount demanded, returnable to the same court and indorsed by the name and place of residence of such other person or his attorney. Such indorser is liable for costs like indorsers of writs, summonses and complaints. (R. S. c. 79, § 181. 1959, c. 317, § 47.)

Effect of amendment.—The 1959 amendment divided the section into two sentences, substituted "complaint" for "declaration" in the present first sentence and

added "summonses and complaints" at the end of the present second sentence.

Effective date of 1959 amendment.—See note to § 164.

Sec. 166. Service; right of person filing complaint; answer.—The summons shall be served on the defendant and attachment may be made, as in an original action. Thereupon such person has all the rights of a plaintiff in the action. The defendant shall answer to said complaint, and judgment may be rendered thereon as if it were filed in an action originally instituted for the same cause. (R. S. c. 79, § 182. 1959, c. 317, § 48.)

Effect of amendment.—The 1959 amendment rewrote this section.

Effective date of 1959 amendment.—See note to § 164.

Sec. 167. Damages assessed on rendition of judgment; issue of executions.—When judgment is rendered against the defendant in such action, damages shall be assessed on each complaint for the amount which the party filing it would recover in an action on the bond, with costs. Executions shall issue therefor in the name of each party so recovering in the order in which the complaints were filed, but not beyond the amount of the bond. If judgment is for the defendant on any such complaint, execution for costs shall issue against the party filing it. No such action shall be dismissed, except by order of court, without the consent of all parties interested as plaintiffs. (R. S. c. 79, § 183. 1959, c. 317, § 49.)

Effect of amendment.—The 1959 amendment divided the former first sentence into

two sentences, substituted "complaint" for "declaration" and "an action" for "a suit"

in the present first sentence, substituted "complaints" for "declarations" in the present second sentence and "complaint" for "declaration" in the present third sentence, and eliminated "discontinued or non-

sued" following "dismissed" in the last sentence.

Effective date of 1959 amendment.—See note to § 164.

Sec. 173. Special deputies in Cumberland county; compensation.—The sheriff of Cumberland county shall appoint full-time deputy sheriffs, who shall serve at the pleasure of said sheriff and whose special duty shall be to enforce the criminal laws in said county and who shall receive as compensation therefor the sum of \$11 per day and such additional pay as the county commissioners may approve, to be paid from the county treasury, together with such incidental expenses as may be necessary for the proper enforcement of said laws; bills for which shall be audited as provided in chapter 150, section 2. (R. S. c. 79, § 189. 1947, c. 313, § 4. 1951, c. 212, § 3. 1959, c. 326.)

Effect of amendment.—The 1959 amendment substituted "full-time" for "3" near the beginning of the section, substituted "\$11" for "\$8" near the middle of the sec-

tion and substituted "chapter 150, section 2" for "section 2 of chapter 150" at the end of the section.

Sec. 173-A. Pensions for dependents.—If a sheriff or deputy sheriff shall die as a result of injury received in line of duty, except while engaged in the duty of serving civil process, his widow, or, if none, his minor child or children, shall receive a pension equal to $\frac{1}{2}$ of the pay of such sheriff or deputy sheriff at the time of his death, but in no case shall such pension be less than \$1,000. Such pension shall be paid to the widow until she dies or remarries and to a child or children until they die or reach the age of 18 years. The provisions of this section shall apply to deputy sheriffs who are not employed at regular salaries.

The county commissioners of each county are authorized and directed to pay such pensions from county funds. (1955, c. 362, § 2.)

Jails and Jailers.

Sec. 178. Jailer to live in jail.—Except for Cumberland county every keeper of a jail shall reside constantly with his family, if he has any, in the house provided for him, if in the opinion of the county commissioners it is good and sufficient. If he neglects to do so, he forfeits not more than \$300 to be recovered for the county by indictment. (R. S. c. 79, § 194. 1959, c. 63.)

Effect of amendment.—The 1959 amendment divided the section into two sentences

and added "Except for Cumberland county" at the beginning of the section.

Sec. 189-A. Prisoners to attend funerals.—Prisoners at the several county jails may, at the discretion of the sheriff, attend funerals of their legally considered mother, father, husband, wife, son or daughter, if the funeral is held within the state of Maine. Prisoners shall pay the cost of transportation and the fee and expenses of the officer who takes them to the funeral. (1959, c. 1.)

Sec. 191. If escape happens through insufficiency of jail, sum paid, reimbursed.—When such escape happens through the insufficiency of the jail, the county commissioners may order the county treasurer to pay to the sheriff the amount paid by him to such party. If they do not make such order within 6 months after the demand is laid before them, the sheriff may bring his action against the inhabitants of such county, to be tried therein or in an adjoining county, and service shall be made as in other actions. (R. S. c. 79, § 207. 1959, c. 317, § 50.)

Effect of amendment.—The 1959 amendment divided the section into two sentences, deleted "on the case" following

"action" in the second sentence and substituted "service shall be made as in other actions" for "an attested copy of the writ

left with the county treasurer, 30 days before the sitting of the court to which it is returnable, is a sufficient service" at the end of that sentence.

Effective date of 1959 amendment.—See note to § 164.

Sec. 192. Agent to defend county appointed by commissioners; execution.—The commissioners may appoint an agent to appear and defend the action. If they have no meeting between the time of service and the time within which the answer is required to be served, it shall be continued for such time as the court directs, saving all advantages to the defendants. If judgment is rendered against the county, the execution may be levied on the estate of any inhabitant, who has his remedy against the county to recover the amount so levied. (R. S. c. 79, § 208. 1959, c. 317, § 51.)

Effect of amendment.—The 1959 amendment divided this section into three sentences, substituted "action" for "suit" at the end of the first sentence and substituted "time within which the answer is required to be served" for "return day there-

of" and "for such time as the court directs" for "to the next term" in the second sentence.

Effective date of 1959 amendment.—See note to § 164.

Registers of Deeds.

Election, Duties, Salaries, Fees, etc.

Sec. 212. Register of deeds; how elected; vacancies.

Vacancies shall be filled for the unexpired term by election as provided for in section 213 at the next November election after their occurrence. In the meantime, the governor with the advice and consent of the council may fill vacancies by appointment, and the person so appointed shall hold his office until the first day of January, next after the election last mentioned. (R. S. c. 79, § 228. 1949, c. 349, § 115. 1959, c. 204, § 31.)

Effect of amendment.—The 1959 amendment divided the last paragraph into two sentences and substituted "November" for "September" in the present first sentence

of that paragraph.

As the first paragraph of the section was not changed by the amendment, it is not set out.

Sec. 215. Salaries.—Registers of deeds in the several counties shall receive annual salaries as set forth in section 254.

The salaries of the registers of deeds shall be in full compensation for the performance of all official duties and no other fees or compensation shall be allowed them. All registers, except in the western district of Oxford county, shall devote their entire time to the duties of the office. They shall account quarterly under oath to the county treasurers for all fees received by them or payable to them by virtue of the office, specifying the items, and shall pay the whole amount of the same to the treasurers of their respective counties quarterly on the 15th days of January, April, July and October of each year. They may make abstracts and copies from the records and furnish the same to persons calling for them and may charge a reasonable fee for such service, but shall not give an opinion upon the title to real estate. Fees charged by them for abstracts and copies shall be retained by them and not paid to the county. (R. S. c. 79, § 231. 1945, c. 141; c. 161, § 4; c. 167, § 4; c. 260, § 1; c. 280, § 6; c. 322, § 5. 1947, c. 110; c. 154, § 5; c. 157, § 5; cc. 200, 212, 288, 307, 309. 1949, c. 187, § 1; c. 214, § 6; c. 253; c. 286, § 1; c. 288; c. 308, § 4; c. 353, § 2; c. 424, § 5. 1951, cc. 58, 230; c. 311, § 5; c. 312, § 6; c. 313, § 4. 1953, c. 29; c. 38, § 3; c. 142, § 3; c. 151, § 1; c. 216, § 4; c. 247, § 3; c. 269, § 6; c. 276, § 6; c. 278, § 6; c. 288, § 2. 1955, c. 266, § 4; c. 319, § 4; c. 324; c. 327, § 2; c. 394, § 4; c. 411, § 1; c. 445, § 5; c. 447, § 2; c. 459, § 6;

c. 464, § 6; c. 470, § 7. 1957, c. 416, §§ 5, 14, 27, 34, 39, 45, 52, 59, 69, 73, 79. 1959, c. 372, § 6.)

Effect of amendments.—Prior to the 1959 amendment the first paragraph of the section specified the salaries and provided for monthly or weekly payments. The only change in the second paragraph was the substitution of "The salaries of the registers of deeds" for "The sums above mentioned" at the beginning thereof. Each of the 1955 and 1957 amendments increased the particular salaries.

Editor's note.—P. L. 1959, c. 372, amending this section, provided in sections 12, 13 and 14 thereof as follows:

"Sec. 12. Private and special laws amended. All private and special laws, providing salaries and clerk hire for judges and recorders of municipal courts to be paid from the county treasury, shall be

amended to read, in place of the salaries set forth therein, 'shall receive such salaries as established by the Revised Statutes of 1954, chapter 89, section 254, as amended,' and further amended by striking out all provisions for clerk hire.

Sec. 13. Effective date in certain counties. The salaries set forth in section 7 as they relate to the counties of Androscoggin, Aroostook, Hancock, Kennebec, Knox, Lincoln, Piscataquis, Somerset, Waldo and York shall be retroactive to January 1, 1959.

Sec. 14. Effective date. The salaries as set forth in section 7 shall be effective October 1, 1959, except as otherwise provided in this act."

Sec. 216. Fees.

Recording a municipal tax lien in accordance with provisions of section 88 of chapter 91-A, §1.

Receiving, recording and indexing of any deed or mortgage that will not fit the printed form, any assignment or discharge in long form or any other instrument by law entitled to record, the sum of \$2 for the first 500 words and the sum of 25c for each 100 words or a fraction thereof in excess of 500 words. If recording is done by photographic, photostatic or other mechanical methods as permitted by law the charge shall be \$2 for the first record page and \$1 per page for each additional page or fraction of a record page so recorded of same instrument. The fees provided by this paragraph shall not apply to the recording of instruments the fees for which are otherwise provided by law.

The above fees shall be paid when the instrument is offered for record, except that fees payable by the state shall be paid monthly by the department or agencies requesting the recording, upon rendition of bills by the register of deeds. Said bills shall be paid within 10 days of receipt of same by the department or agency. (R. S. c. 79, § 232. 1947, c. 380. 1949, c. 404, §§ 1, 2, 3. 1953, cc. 50, 150. 1955, c. 84. 1957, c. 397, § 43. 1959, c. 133.)

Effect of amendments. — The 1955 amendment added all that part of the last paragraph that follows the word "record" in the first sentence.

The 1957 amendment substituted "section 88 of chapter 91-A" for "section 98 of chapter 92" in the twelfth paragraph.

Prior to the 1959 amendment, the thir-

teenth paragraph consisted of one sentence. The present second sentence was a proviso, imposing a fee of \$1 for each record page or fraction thereof. The third sentence in the paragraph is new.

As only the twelfth, thirteenth and last paragraphs were changed by the amendments, the rest of the section is not set out.

Sec. 217. Deputy; oath and duties.—Each register may appoint a deputy register of deeds for whose doings and misdoings he shall be responsible, who shall be sworn. In case of sickness, absence or any temporary disability of the register, such deputy shall make and sign for him all certificates, and make all entries and minutes required to be signed or made by the register, and such certificates, entries and minutes shall be as valid as if made by the register. (R. S. c. 79, § 233. 1959, c. 36, § 1.)

Effect of amendment.—The 1959 amendment substituted "deputy register of deeds" for "clerk" in the first sentence and sub-

stituted "deputy" for "clerk" in the second sentence.

Sec. 221. Clerk of courts register, when necessary.—In case of vacancy in the office of register and of his deputy in any county or registry district, the clerk of the judicial courts of the same county, being first sworn, shall perform all duties and services required of a register of deeds during such vacancy; complete all unfinished business; receive the same compensation and be subject to the same liabilities as a register of deeds; and his certificate shall have the same effect as if made by the register. (R. S. c. 79, § 237. 1959, c. 36, § 2.)

Effect of amendment.—The 1959 amendment substituted “deputy” for “clerk” near the beginning of the section.

Sec. 236. Plans of townships; copies; filing and indexing.—The county commissioners shall, at the expense of their respective counties, procure such plans of the townships in their counties as may be in existence; and if the original plans are not in existence or cannot be had at a reasonable price, they shall procure copies of the most authentic plans known to exist. All such copies shall be on the best quality of linen paper backed with cloth. Suitable filing cases shall be provided in each registry of deeds for the reception and preservation of such plans and a suitable index thereof shall be made, having at least both alphabetical and chronological arrangement, and shall be revised whenever new such plans for recording are received. (R. S. c. 79, § 251. 1959, c. 165.)

Effect of amendment.—The 1959 amendment added at the end of the section the language beginning with the words “having at least.”

Medical Examiners.

Appointment, Duties, Compensation, etc.

Sec. 243. Appointment of medical examiners; duties.—Medical examiners for each county in the state shall be appointed by the governor with the advice and consent of the council for a term of 4 years or during the pleasure of the governor and council. They shall be able and discreet men, learned in the science of medicine and anatomy, and bona fide residents of the county for which they are appointed. The number of medical examiners so to be appointed shall be as follows: For the counties of Franklin, Knox, Piscataquis, Sagadahoc and Waldo, 2 each; for the counties of Hancock, Lincoln, Oxford, Somerset and Washington, 3 each; for the counties of Kennebec and York, 4 each; for the counties of Androscoggin and Aroostook, 5 each; for the counties of Cumberland, and Penobscot, 7 each; and they shall be appointed with reference to territorial distribution. Each medical examiner before entering upon the duties of his office shall be duly sworn to the faithful performance of his duty. They shall make examinations, as hereinafter provided, whenever any person shall die from criminal violence, or by suicide or in any suspicious or unusual manner. (R. S. c. 79, § 258. 1947, c. 190, § 1. 1949, c. 339. 1957, cc. 283, 284, 429, § 78. 1959, cc. 231, 318.)

Effect of amendments.—This section was amended three times in 1957. Chapter 283 increased the number of medical examiners in Cumberland county from 6 to 7 in the third sentence. Chapter 284, which did not refer to or give effect to c. 283, increased the number in Penobscot county from 6 to 7 in such sentence. Chapter 429, effective October 31, 1957, revised the third sentence so as to give effect to

the two preceding 1957 amendments but made no other change.

The third sentence was amended twice in 1959. Chapter 231 increased the number of medical examiners in Somerset county from 2 to 3 and c. 318, which did not refer to or give effect to c. 231, increased the number in Lincoln county from 2 to 3. Both amendments have been given effect in the section as set out above.

Sec. 244. Notice of finding of body.—Whoever finds the body of any person who is supposed to have come to his death by violence or by the action

of chemical, thermal or electrical agents or following abortion, or suddenly when not disabled by recognizable disease or who has come to his death unexplained or unattended, shall immediately notify one of the municipal officers, a police officer or constable if in a city or town; or a member of the board of assessors if in a plantation; and if in an unorganized place, the most readily accessible of such officials in any city, town or plantation within the county. Such official shall immediately take charge of such body and retain custody thereof without moving the same, except as hereinafter provided, until the arrival of a medical examiner, the county attorney, the sheriff or a member of the state police. The official taking charge of said body shall immediately notify the county attorney or sheriff, who shall in turn arrange for the attendance of the most readily accessible medical examiner. If the body, where found, is in danger of being destroyed or damaged by fire, vehicular traffic or otherwise, or of being lost in any body of water, any person may take steps as may seem necessary for its preservation or retention prior to the arrival of the medical examiner, sheriff, a member of the state police or the county attorney, but in such event shall first, whenever practicable, exactly mark the location and position of the body. If no such danger exists, the body shall not be moved until the arrival of the medical examiner, the sheriff, a member of the state police or the county attorney, and until photographs have been taken or measurements and drawings have been made to record the physical facts relative to the location and position of the body, under the supervision of the county attorney, the state police or sheriff, or unless the attorney general or the county attorney waives such requirements. After such photographs or such measurements and drawings have been made or have been waived as aforesaid and after the medical examiner has completed such examination as required of him in the following section, the body may be removed to a convenient place. The body shall not be finally released for embalming or burial, except by order of the county attorney or sheriff. If and when it shall appear to the county attorney that the case is one of probable homicide, he shall notify the attorney general of the fact. (R. S. c. 79, § 259. 1947, c. 190, § 2. 1955, c. 326, § 1.)

Effect of amendment.—The 1955 amendment rewrote that part of the first sentence which precedes the first semicolon.

Sec. 244-A. Death without medical attendance. — When any person shall die without the attendance of a physician in his or her last sickness, the head of the household in which such death occurred, any funeral director called to remove the dead body, or any physician called to examine the dead body shall call a medical examiner to examine the body and shall give him all information which they may have concerning the death. (1959, c. 291, § 10.)

Sec. 245. Proceedings by medical examiner upon receiving such notice.—Upon notice that there has been found or is lying within his county the body of a person who is supposed to have come to his death by violence or by the action of chemical, thermal or electrical agents or following abortion, or suddenly when not disabled by recognizable disease, or any unexplained or unattended deaths, it shall be the duty of any person having knowledge of such death to notify the medical examiner of the county wherein the body lies and such medical examiner shall forthwith repair to the place where such body lies and take charge of the same, and before said body is removed, he shall reduce or cause to be reduced to writing a description of the location and position of the body and any and all facts that may be deemed important in determining the cause of death. He shall, upon authorization of the county attorney or the attorney general, make an autopsy in the presence of a physician and one other discreet person sufficient in his judgment to disclose such facts as may be attainable thereby which may be of assistance in determining the cause of death. He may compel the assistance of such physician and person, by subpoena if necessary, and he

shall then and there at the time of such autopsy reduce or cause to be reduced to writing every fact and circumstance disclosed by such autopsy tending to show the manner and cause of death, which record shall be signed by himself and the witnesses who have attended, who shall in addition to their names subscribe their address and place of business. In case at the time of finding of such body there be no medical examiner available within the county by reason of vacancy in the office, incapacity or absence from the county, any medical examiner in an adjoining county may be notified, whose duty it shall be to attend and perform all duties prescribed by sections 243 to 253, inclusive, as though he were a medical examiner within the county. (R. S. c. 79, § 260. 1947, c. 190, § 3. 1955, c. 326, § 2.)

Effect of amendment.—The 1955 amendment rewrote the first sentence.

Sec. 252. Compensation of medical examiner. — Every medical examiner shall render an account of the expenses of each case, including his fees, to the county attorney, who shall audit and approve the same before it is submitted to the county commissioners for their approval, and the fees allowed the medical examiner shall not exceed the following: For a view and inquiry without an autopsy, \$15; for a view and autopsy, \$50; when the medical examiner performing an autopsy is a pathologist, \$100, whether he makes a view or not; for an inquest, \$10 per day for the time actually spent in holding such inquest and for all necessary travel at the rate of 10¢ per mile. Witnesses summoned to testify at such inquest shall be allowed the same fees as witnesses in the superior court. The physician and other person required to be present at an autopsy as provided in section 245 shall be allowed a reasonable compensation, to be audited by the medical examiner and county attorney. (R. S. c. 79, § 267. 1947, c. 190, § 5. 1957, c. 399.)

Effect of amendment. — The 1957 amendment inserted the provision as to compensation of a pathologist for an autopsy.

County Offices.

Salaries of Officers and Clerk Hire.

Sec. 254. Salaries of county officers.—The county commissioners, clerks of the judicial courts and their deputies, county treasurers and their deputies, sheriffs, registers of deeds, judges of probate, registers of probate, and judges and recorders of the municipal courts in the several counties shall receive annual salaries from the county treasury in weekly or monthly payments as follows, except that the county attorneys and their assistants shall receive annual salaries from the state treasury in monthly payments on the last day of each month, as follows, and no other fees, costs or emoluments shall be allowed them:

Androscoggin county: County commissioners, \$1,800; chairman, \$2,400; clerk of courts, \$4,000; county attorney, \$4,000; assistant county attorney, \$3,200; county treasurer, \$4,000; sheriff, \$4,750; register of deeds, \$4,600; judge of probate, \$4,400; register of probate, \$3,600; Auburn municipal court judge, \$3,300; recorder, \$2,700; Lewiston municipal court judge, \$3,700; recorder, \$3,250; Lisbon municipal court judge, \$1,800; Livermore Falls municipal court judge, \$1,800.

Aroostook county: County commissioners, \$1,250; chairman, \$5,000; clerk of courts, \$5,000; county attorney, \$3,500; assistant county attorney, \$2,500; treasurer, \$3,000; sheriff, \$4,500; register of deeds, northern district, \$3,000; southern district, \$3,500; judge of probate, \$4,000; register of probate, \$3,000; Caribou municipal court judge, \$3,600; recorder, \$1,800; Fort Fairfield municipal court judge, \$3,200; recorder, \$1,000; Houlton municipal court judge, \$3,600; recorder, \$1,800; Madawaska municipal court judge, \$2,400; recorder, \$900; Presque Isle municipal court judge, \$3,600; recorder, \$1,800; Van Buren mu-

municipal court judge, \$3,000; recorder, \$1,100; Northern Aroostook municipal court judge, \$3,000; recorder, \$1,100.

Cumberland county: County commissioners, \$4,000; clerk of courts, \$5,000; deputy clerk of courts, \$4,200; county attorney, \$5,000; assistant county attorney, \$3,750; second assistant county attorney, \$3,300; treasurer, \$5,000; deputy treasurer, \$3,800; sheriff, \$6,500; register of deeds, \$5,000; deputy register of deeds, \$4,000; judge of probate, \$7,000; register of probate, \$4,700; Northern Cumberland municipal court judge, \$1,700; recorder, \$600; Brunswick municipal court judge, \$4,500; recorder, \$2,500; Portland municipal court judge, \$5,500; recorder, \$5,000; South Portland municipal court judge, \$3,500; recorder, \$2,000; Westbrook municipal court judge, \$3,500; recorder, \$1,500.

Franklin county: County commissioners, \$700; clerk of courts, \$2,400; county attorney, \$2,000; county treasurer, \$1,100; sheriff, \$2,700; register of deeds, \$2,300; judge of probate, \$1,600; register of probate, \$2,200; Franklin municipal court judge, \$3,000.

Hancock county: County commissioners, \$1,200; clerk of courts, \$3,000; deputy clerk of courts, \$2,350; county attorney, \$3,300; treasurer, \$2,100; sheriff, \$3,500; register of deeds, \$3,000; judge of probate, \$3,500; register of probate, \$2,900; Bar Harbor municipal court judge, \$1,700; recorder, \$800; Western Hancock municipal court judge, \$1,700; recorder, \$800; Ellsworth municipal court judge, \$3,000; recorder, \$1,000.

Kennebec county: County commissioners, \$1,750; chairman, \$2,000; clerk of courts, \$4,200; county attorney, \$3,000; assistant county attorney, \$2,000; treasurer, \$3,750; sheriff, \$4,800; register of deeds, \$5,000; judge of probate, \$6,000; register of probate, \$4,000; Augusta municipal court judge, \$3,300; recorder, \$1,900; Gardiner municipal court judge, \$2,100; recorder, \$1,200; Hallowell municipal court judge, \$500; Waterville municipal court judge, \$3,700; recorder, \$1,600; Winthrop municipal court judge, \$1,600.

Knox county: County commissioners, \$1,000; clerk of courts, \$3,340; county attorney, \$2,800; treasurer, \$1,000; sheriff, \$3,600; register of deeds, \$3,020; judge of probate, \$2,400; register of probate, \$2,100; Rockland municipal court judge, \$2,400; recorder, \$2,000.

Lincoln county: County commissioners, \$800; clerk of courts, \$3,500; county attorney, \$2,500; treasurer, \$1,000; sheriff, \$3,000; register of deeds, \$3,200; judge of probate, \$2,800; register of probate, \$2,600; Lincoln municipal court judge, \$2,800; recorder, \$1,800.

Oxford county: County commissioners, \$1,800; chairman, \$2,000; clerk of courts, \$3,300; county attorney, \$2,800; treasurer, \$2,300; sheriff, \$3,500; register of deeds, eastern district, \$3,300; western district, \$2,200; judge of probate, \$3,800; register of probate, \$3,300; Western Oxford municipal court judge, \$1,300; Norway municipal court recorder, \$800; judge, \$2,700; Rumford municipal court judge, \$3,500.

Penobscot county: County commissioners, \$2,250; clerk of courts, \$4,350 for the year 1959 and \$4,450 annually thereafter; deputy clerk of courts, \$3,600; county attorney, \$4,200; assistant county attorney, \$3,300; treasurer, \$3,250; sheriff, \$5,500; register of deeds, \$4,100; judge of probate, \$5,000; register of probate, \$4,100; Bangor municipal court judge, \$4,000; recorder, \$3,500; Brewer municipal court judge, \$2,000; recorder, \$1,200; Dexter municipal court judge, \$1,700; Lincoln municipal court judge, \$2,500; recorder, \$1,600; Millinocket municipal court judge, \$2,500; recorder, \$1,600; Newport municipal court judge, \$1,700; Old Town municipal court judge, \$2,500; recorder, \$1,600.

Piscataquis county: County commissioners, \$800; clerk of courts, \$3,150; county attorney, \$2,200; treasurer, \$1,000; sheriff, \$3,150; register of deeds, \$3,150; judge of probate, \$2,600; register of probate, \$2,650; Piscataquis municipal court judge, \$2,500; recorder, \$900.

Sagadahoc county: County commissioners, \$1,000; clerk of courts, \$3,340; county attorney, \$2,500; treasurer, \$1,600; sheriff, \$4,100; register of deeds, \$3,150; judge of probate, \$2,650; register of probate, \$2,250; Bath municipal court judge, \$3,300; recorder, \$2,500.

Somerset county: County commissioner, \$1,000; chairman, \$1,200; clerk of courts, \$3,700; county attorney, \$3,300; treasurer, \$1,800; sheriff, \$4,000; register of deeds, \$3,800; judge of probate, \$3,500; register of probate, \$2,900; Western Somerset municipal court judge, \$3,500; Pittsfield municipal court judge, \$2,500.

Waldo county: County commissioners, \$1,000; clerk of courts, \$3,000; county attorney, \$2,500; treasurer, \$1,000; sheriff, \$3,600; register of deeds, \$2,900; judge of probate, \$2,650; register of probate, \$2,900; Waldo county municipal court judge, \$2,800; recorder, \$1,500.

Washington county: County commissioners, \$1,800; clerk of courts, \$2,500; county attorney, \$3,300; treasurer, \$2,400; sheriff, \$4,000; register of deeds, \$2,900; judge of probate, \$2,500; register of probate, \$2,800; Calais municipal court judge, \$2,400; recorder, \$600; Eastport municipal court judge, \$1,800; recorder, \$400; Western Washington municipal court judge, \$2,400; recorder, \$1,200.

York county: County commissioners, \$1,750; clerk of courts, \$4,300; county attorney, \$3,700; treasurer, \$1,750; sheriff, \$4,750; register of deeds, \$2,500; judge of probate, \$6,000; register of probate, \$3,100; Biddeford municipal court judge, \$2,200; recorder, \$1,500; Kennebunk municipal court judge, \$2,500; recorder, \$1,200; Saco municipal court judge, \$1,800; recorder, \$1,000; Sanford municipal court judge, \$2,000; recorder, \$1,350; Yorkshire municipal court judge, \$5,000; recorder, \$3,000.

The salaries above mentioned shall be in full compensation for the performance of all official duties by said officers and judges. County commissioners shall allow to said officers all office expense, clerk hire and travel which are necessary, just and proper to the performance of their official duties.

After January 1, 1962 all fees and charges of whatever nature, except charges for the publication of notices required by law which may be payable to any county officer, shall be payable by them to the county treasurer for the use and benefit of the county, but preserving the right of sheriffs and their deputies to receive fees for service of civil process, and no county officer shall receive a private benefit from the labor of any person in the employ of the county. (R. S. c. 79, § 269. 1945, cc. 32, 35, 37, 38, 140; c. 161, § 5; cc. 188, 201; c. 202, § 2; c. 205, § 1; c. 206, § 2; cc. 212, 215, 218, 224, 225, 226, 227; c. 260, § 2; c. 261, § 1; c. 280, § 7; cc. 287, 290; c. 319, § 1; c. 322, § 6; c. 339. 1947, c. 154, § 6; cc. 199, 204, 205, 209, 213, 254, 259, 293, 300, 301, 302, 303, 304, 315, 316, 318, 319, 341; c. 371, § 1. 1949, cc. 50, 175, 180; c. 186, § 4; c. 187, § 2; c. 214, § 7; cc. 228, 257; c. 260, § 1; c. 286, § 2; cc. 295, 306, 350; c. 353, §§ 1, 3. 1951, c. 274; c. 311, § 6; c. 312, § 7; c. 391. 1953, cc. 91, 120; c. 135, § 3; c. 149, § 3; c. 151, § 2; c. 269, § 7. 1955, c. 254; c. 266, § 5; c. 268; c. 319, § 5; c. 411, § 2; c. 459, § 7. 1957, c. 416, §§ 15, 22, 28, 60. 1959, c. 372, § 7.)

Effect of amendments.—The 1959 amendment rewrote this section, which formerly contained provisions similar to those now found in the third and fourth sentences of § 255, provided for vacations and listed the maximum salaries for clerks. The earlier amendments specified the salaries for clerks in the office of county commissioners of Aroostook county and increased the salaries of certain other clerks.

Editor's note.—P. L. 1959, c. 372, amending this section, provided in sections 12, 13 and 14 thereof as follows:

"Sec. 12. Private and special laws amended. All private and special laws, providing salaries and clerk hire for judges and recorders of municipal courts to be paid from the county treasury, shall be amended to read, in place of the salaries set forth therein, 'shall receive such salaries as established by the Revised Statutes of 1954, chapter 89, section 254, as amended,' and further amended by striking out all provisions for clerk hire.

Sec. 13. Effective date in certain counties. The salaries set forth in section 7 as

they relate to the counties of Androscoggin, Aroostook, Hancock, Kennebec, Knox, Lincoln, Piscataquis, Somerset, Waldo and York shall be retroactive to January 1, 1959.

Sec. 14. Effective date. The salaries as set forth in section 7 shall be effective October 1, 1959, except as otherwise provided in this act."

Sec. 255. Clerk hire in county offices.—In all county offices there shall be allowed for clerk hire the amount authorized by the county commissioners of the various counties. The salary of all clerks shall be determined by the county commissioners after receiving a recommendation from the county officer under whom such clerk is employed. The several county treasurers shall pay weekly to the clerks employed by the county the wages to which they shall be entitled and take their individual receipts thereof. The county commissioners shall certify to the county treasurer the names of the clerks. The county commissioners may establish reasonable office hours for offices in the county building, and provide for a county pay scale for clerical help, with paid vacations of 2 weeks per year after at least a year's service and with sick pay up to 5 days a year after one year's service, and one extra day per year thereafter, said sick pay not to exceed 10 days a year. (1949, c. 341. 1959, c. 372, § 8.)

Effect of amendment.—The 1959 amendment eliminated "by statute, together with such additional amounts as may from year to year be authorized" following "amount authorized" in the first sentence and added the second, third, fourth and fifth sentences.

Editor's note.—P. L. 1959, c. 372, amending this section, provided in sections 12, 13 and 14 thereof as follows:

"Sec. 12. Private and special laws amended. All private and special laws, providing salaries and clerk hire for judges and recorders of municipal courts to be paid from the county treasury, shall be amended to read, in place of the salaries

set forth therein, 'shall receive such salaries as established by the Revised Statutes of 1954, chapter 89, section 254, as amended,' and further amended by striking out all provisions for clerk hire.

Sec. 13. Effective date in certain counties. The salaries set forth in section 7 as they relate to the counties of Androscoggin, Aroostook, Hancock, Kennebec, Knox, Lincoln, Piscataquis, Somerset, Waldo and York shall be retroactive to January 1, 1959.

Sec. 14. Effective date. The salaries as set forth in section 7 shall be effective October 1, 1959, except as otherwise provided in this act."

Fees in Waldo County.

Sec. 256. Fees in Waldo county.—All fees for copies of any public or official documents or records, of whatever nature, which may be payable to any county officer of Waldo county, shall be payable to the treasurer of Waldo county for the use and benefit of the county. (1953, c. 216, § 7. 1955, c. 231.)

Effect of amendment.—The 1955 amendment deleted the words "and charges for the publication of notices required by law" after the word "nature" in line two.

Fees in Penobscot County.

Sec. 258. Fees in Penobscot county.—All fees and charges of whatever nature provided for by state law, except charges for the publication of notices required by law, which may be payable to any county officer of Penobscot county, shall be payable to the treasurer of Penobscot county for the use and benefit of the county. The provisions of this section shall apply only to county officers who are receiving salaries or per diem pay, but shall not apply to the sheriff and deputy sheriffs engaged in the service of civil process. (1955, c. 394, § 5.)

Fees in Kennebec County.

Sec. 259. Fees in Kennebec county.—All fees and charges of whatever nature, except charges for the publication of notices required by law, which may be payable to any county officer of Kennebec county, shall be payable to the treas-

urer of Kennebec county for the use and benefit of the county. The provisions of this section shall apply only to county officers who are receiving salaries or per diem pay, but shall not apply to the sheriff and deputy sheriffs engaged in the service of civil process. (1955, c. 394, § 5.)

Chapter 90-A.

General Provisions Relating to Municipalities.

Editor's note.—P. L. 1957, c. 405, which inserted this chapter, provided in § 20 thereof as follows:

"Sec. 20. State tax assessor may print and distribute copies of chapter 90-A. The state tax assessor is specifically au-

thorized, upon receipt of payment therefor by the Maine municipal association, to reproduce and distribute printed copies of chapter 90-A of the Revised Statutes as part of the laws printed and distributed by the state bureau of taxation."

- Section 1. Definitions.
- Sections 2-11. Creation, General Powers and Duties of Municipalities.
- Sections 12-23. Municipal Finance.
- Sections 24-29. Accounting System and Postaudit.
- Sections 30-36. Town Meeting.
- Sections 37-39. Secret Ballot, Inspection, Recount.
- Section 40. Annual Report.
- Sections 41-56. Municipal Officials.
- Sections 57 to 57-A. Correction and Disposition of Municipal Records.
- Sections 58-60. City Officials, Warrant, Ward Limits.
- Sections 61-63. Municipal Development.
- Sections 64-65. Regional Development.

Definitions.

Sec. 1. Definitions.—The listed terms as used in this chapter are defined as follows, unless a different meaning is plainly required by the context:

- I. "Municipality" includes only cities and towns.
- II. "Municipal officers" means the mayor and aldermen of a city, and the selectmen of a town.
- III. "Municipal official" means any elected or appointed member of a municipal government.
- IV. "Clerk" means the clerk of a municipality.
- V. "Resident" and "residence" refer to place of domicile.
- VI. "Voter" means a person registered to vote.
- VII. "Real estate" means land and structures attached to it.
- VIII. "General obligation security" means a note, bond or other certificate of indebtedness to the payment of which is pledged the full faith and credit of the issuing body.
- IX. "Funded debt" means an obligation for the payment of which some fund is set aside.
- X. "Sinking fund" means a fund created for the purpose of paying a debt.
- XI. "Revenue-producing municipal facility" means any water supply or distribution system, any sewage disposal or sewerage system, and any automobile parking facility, for the use or services of which money is received by a municipality. (1957, c. 405, § 1.)