

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1961 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 3

Discard Previous Pocket Part Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1961

under chapter 22 or chapter 24 until the excise tax or personal property tax has been paid in accordance with sections 124 and 126.

I. Where a personal property tax is to be paid as a prerequisite to registration, the exempt status of the vehicle shall be determined by section 125. (1959, c. 308, § 1.)

Sec. 129. Collection of tax.—

I. In municipalities the municipal tax collector or such other person as the municipality may designate shall collect such excise tax and shall deposit the money received with the municipal treasurer monthly.

A. Such collector shall report to the municipal officers at the end of the municipal year, showing the total amount of excise tax collected by him and the amounts applying to each year.

II. In unorganized places the county commissioners shall appoint agents to collect the excise tax. Such agents shall be allowed a fee of 30¢ for each tax receipt issued and shall deposit the remainder promptly with the county treasurer. (1959, c. 308, § 1.)

Sec. 130. Receipts issued in duplicate.—Receipts for payment of the excise tax shall be in the form prescribed by the secretary of state. They shall be issued in duplicate, and one copy shall be filed with the application at the time application is made for registration of the vehicle. (1959, c. 308, § 1.)

Sec. 131. Crediting and apportionment of tax received.—

I. In municipalities the treasurer shall credit money received from excise taxes to an excise tax account, from which it may be appropriated by the municipality for any purpose for which a municipality may appropriate money.

II. Excise taxes collected in unorganized places shall be credited by the county treasurer as undedicated funds for the unorganized place in which the tax was payable. (1959, c. 308, § 1.)

Sec. 132. False statements to any person receiving tax.—Any person willfully making any false statement to any person charged with the duty of receiving this tax and issuing the receipt therefor, when making statement for the purpose of the levy of said tax hereunder, shall be punished by a fine of not more than \$25. (1959, c. 308, § 1.)

Chapter 92.

Taxation Laws Relating to Towns.

Secs. 1-172. Repealed by Public Laws 1955, c. 399, § 2.

Editor's note.—Section 7 of this chapter, § 42. For present property tax laws, see chapter was also repealed by P. L. 1955, c. 405, § 91-A.

Chapter 93.

Maine Housing Authorities.

Editor's note.—P. L. 1957, c. 395, amending this chapter, provided in sections 10, 11 and 12 thereof as follows:

"Sec. 10. Ratification and validation. The creation and establishment of housing authorities pursuant to, or purporting to be pursuant to, the provisions of the Maine Housing Authorities Act, chapter

93 of the Revised Statutes as enacted by chapter 441 of public laws of 1949, together with all proceedings, acts and things undertaken, performed or done with reference thereto, including the appointment of commissioners, officers and employees, are hereby validated, ratified, confirmed, approved and declared legal

in all respects, notwithstanding any want of statutory authority or defect irregularity in such acts or proceedings. Said housing authorities are hereby declared to have been and to be legally constituted and to be bodies corporate and politic with all the powers, rights and duties set forth in said Maine Housing Authorities Act."

"Sec. 11. Contracts validated. All contracts and any amendments thereto, agreements, obligations and undertakings of housing authorities heretofore entered into relating to financing or aiding in the planning, development, construction, maintenance or operation of any housing project or projects or to obtaining aid therefor from the federal government, including, without limiting the generality of the foregoing, loan and annual contributions, contracts and leases with the federal government, agreements with municipalities or other public bodies, including agreements which are pledged or authorized to be pledged for the protection of the holders of any notes or bonds issued by housing authorities or which are otherwise made a part of the contracts with such holders of notes or

bonds, relating to cooperation, contributions, grants or other participation in aid of housing projects, payments, if any, in lieu of taxes, furnishing of municipal services and facilities, and the elimination of unsafe and insanitary dwellings, and contracts for the construction or operation of housing projects, together with all proceedings, acts and things heretofore undertaken, performed or done with reference thereto, are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any defect or irregularity therein or any want of statutory authority."

"Sec. 12. Notes and bonds validated. All proceedings, acts and things heretofore undertaken, performed or done in or for the authorization, issuance, sale, execution and delivery of notes and bonds by housing authorities for the purpose of financing or aiding in the undertaking of a housing project or projects and all notes and bonds heretofore issued by housing authorities are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any defect or irregularity therein or any want of statutory authority."

Sec. 4. Appointment, qualifications, tenure and meetings of commissioners.—Each authority shall have 5 commissioners appointed. In the case of a city having a mayor-council form of government, appointment shall be by the mayor with the advice and consent of the council; in the case of a city having a manager-council form of government, appointment shall be by the council; in the case of a town, appointment shall be by the selectmen. No commissioner shall be appointed until the authority is authorized to function as provided in section 3. The commissioners shall be appointed for a term of office of 5 years except that all vacancies shall be filled for the unexpired term, all such appointments to be made in the same manner as the original appointment.

Each authority shall elect a chairman and vice-chairman from among the commissioners. An authority may employ a secretary, who shall be executive director, and technical experts and such other officers, agents and employees as it may require, and shall determine their qualifications, duties and compensation. An authority may employ its own counsel and legal staff. It may delegate to its agents or employees such powers or duties as it may deem proper.

A commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the authority and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

The powers of an authority shall be vested in the commissioners thereof in office from time to time. Three commissioners of an authority shall constitute a quorum of such authority for the purpose of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. Action may be taken by the authority upon a vote of a majority of the commissioners present, unless in any case its by-laws shall require a larger

number. Meetings of the commissioners of an authority may be held anywhere within the perimeter boundaries of the area of operation of the authority or within any additional area where the authority is authorized to undertake a project. Appointments may be made of any persons as commissioners of the authority who reside within its boundaries or area, and who are otherwise eligible for such appointments under this chapter. (1949, c. 441. 1957, c. 395, § 1; c. 429, § 80. 1961, c. 244, § 1.)

Effect of amendments.—The first 1957 amendment deleted “require the chief law officer of the city or town to render it legal service without cost, or may” which formerly appeared in the third sentence of the second paragraph and added the last paragraph. The second 1957 amendment,

effective October 31, 1957, rewrote the last sentence of the first paragraph.

The 1961 amendment, effective on its approval, April 24, 1961, substituted the present first three sentences for the former first sentence of this section.

Sec. 5. Interested commissioners, officers or employees.—During his tenure and for one year thereafter, no commissioner, officer or employee of the authority shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any project. If any such commissioner, officer or employee involuntarily acquires any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as a commissioner, officer or employee, then, in any such event, the commissioner, officer or employee shall immediately disclose his interest in writing to the authority and such disclosure shall be entered upon the minutes of the authority and the commissioner, officer or employee shall not participate in any action by the authority relating to the property or contract in which he has any such interest. Any violation of the foregoing provisions of this section shall constitute misconduct in office. This section shall not be applicable to the acquisition of any interest in notes or bonds of the authority issued in connection with any project, or to the execution of agreements by banking institutions for the deposit or handling of funds in connection with a project or to act as trustee under any trust indenture, or to utility services, the rates for which are fixed or controlled by a governmental agency. (1949, c. 441. 1957, c. 395, § 2.)

Effect of amendment. — The 1957 amendment rewrote this section.

Sec. 7. Powers of authority.

IV. To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works or facilities for, or in connection with, a housing project or the occupants thereof; and, notwithstanding anything to the contrary contained in this chapter or in any other provision of law, to agree to any conditions attached to federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards, in the development or administration of projects, and to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum salaries or wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project. (1957, c. 395, § 3)

Effect of amendment. — The 1957 amendment rewrote subsection IV. changed by the amendment, only subsection IV is set out.

As the rest of the section was not

Sec. 9. Housing rentals and tenant admissions; veterans preference.

As used in this section the term “veteran” shall mean a person who has served

in the active military or naval service of the United States at any time on or after September 16, 1940 and prior to July 26, 1947, or at any time on or after April 6, 1917, and prior to November 11, 1918, or at any time on or after June 27, 1950 and prior to February 1, 1955, and who shall have been discharged or released therefrom under conditions other than dishonorable. The term "serviceman" shall mean a person in the active military or naval service of the United States who has served therein on or after September 16, 1940 and prior to July 26, 1947, or at any time on or after April 6, 1917 and prior to November 11, 1918, or at any time on or after June 27, 1950 and prior to February 1, 1955. Notwithstanding any provisions of this section, an authority may agree to conditions as to tenant eligibility or preference required by the federal government pursuant to federal law in any contract for financial assistance with the authority.

(1955, c. 147, § 3.)

Effect of amendment.—The 1955 amendment changed the second paragraph from the end of the section by inserting in the first sentence and at the end of the second sentence the words "or at any time on or

after June 27, 1950 and prior to February 1, 1955." As only this paragraph was changed by the amendment the rest of the section is not set out.

Sec. 9-A. Dwellings for disaster victims and defense workers. — Notwithstanding the provisions of this or any other chapter relating to rentals of, preferences or eligibility for admission to, or occupancy in housing projects, during the period when an authority determines that there is an acute need in its area of operation for housing to assure the availability of dwellings for persons engaged in national defense activities or for victims of a major disaster, an authority may undertake the development and administration of housing projects for the federal government, and dwellings in any housing project under the jurisdiction of the authority may be made available to persons engaged in national defense activities or to victims of a major disaster, as the case may be. An authority is authorized to contract with the federal government or the state or a state public body for advance payment or reimbursement for the furnishing of housing to victims of a major disaster, including the furnishing of the housing free of charge to needy disaster victims during any period covered by a determination of acute need by the authority as herein provided. (1957, c. 395, § 4.)

Sec. 14. Remedies of an obligee.—An obligee of an authority shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

I. Compel performance. By mandamus, civil action or proceeding to compel said authority and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of said authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of said authority and the fulfillment of all duties imposed upon said authority by this chapter.

II. Enjoin. By civil action or proceeding to enjoin any acts or things which may be unlawful or the violation of any of the rights of such obligee of said authority. (1949, c. 441. 1961, c. 317, § 260.)

Effect of amendment.—The 1961 amendment substituted "civil action or proceeding" for "suit, action or proceeding at law or in equity" in subsection I of this section

and substituted "civil action or proceeding" for "suit, action or proceeding in equity" in subsection II.

Sec. 17. Aid from federal government.—In addition to the powers conferred upon an authority by other provisions of this chapter, an authority is empowered to borrow money or accept contributions, grants or other financial assistance from the federal government for or in aid of any project within its area of operation, to take over or lease or manage any project or undertaking

constructed or owned by the federal government, and to those ends, to comply with such conditions and enter into such mortgages, trust, indentures, leases or agreements as may be necessary, convenient or desirable. In any contract with the federal government for annual contributions to the authority, the authority may obligate itself, which obligation shall be specifically enforceable and shall not constitute a mortgage, notwithstanding any other laws, to convey to the federal government the project to which such contract relates, upon the occurrence of a substantial default, as defined in such contract, with respect to the covenants or conditions to which the authority is subject; such contract may further provide that in case of such conveyance, the federal government may complete, operate, manage, lease, convey or otherwise deal with the project in accordance with the terms of such contract; provided that the contract requires that, as soon as practicable after the federal government is satisfied that all defaults with respect to the project have been cured and that the project will thereafter be operated in accordance with the terms of the contract, the federal government shall reconvey to the authority the project as then constituted. It is the purpose and intent of this chapter to authorize every authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the federal government in the undertaking, construction, maintenance or operation of any project by such authority. No authority shall enter into any contract for loans, grants, contributions or other financial assistance with the federal government for any project unless or until the governing body of its city, after referendum duly held thereon, and a majority of the voters voting, having voted in favor thereof, or the annual meeting of its town, as the case may be, shall, by resolution duly adopted, have approved its entering into such contract. To accomplish this purpose an authority, notwithstanding the provisions of any other law, may include in any contract for financial assistance with the federal government any conditions, which the federal government may attach to its financial aid of a project, not inconsistent with the purposes of this chapter.

No authority of any city in excess of 60,000 population shall enter into any contract for loans, grants, contributions or other financial assistance with the federal government for any project unless or until a majority of the voters, voting in a referendum duly held, have voted in favor of the question: "Do you favor the development of approximately dwelling units of low-rent housing for persons of low income to be constructed in the area, bounded as follows:, within the territorial boundaries of the city for which the housing authority of the city may enter into agreements or contracts with the federal government for loans, grants, contributions or other financial assistance?"

The number of dwelling units and the location to be inserted in the proposed question shall be determined by appropriate resolution of the authority which shall furnish the city clerk with a copy thereof. The governing body shall authorize and make the necessary provisions for the holding of said referendum on a date no later than 60 calendar days from the receipt of said resolution by the city clerk. No authority of such city shall enter into any contract for loans, grants, contributions or other financial assistance with the federal government unless or until the governing body of such city shall, by resolution duly adopted, have approved its application to the federal government for such financial assistance. (1949, c. 441. 1951, c. 390, § 3. 1957, c. 395, § 5. 1959, c. 351, §§ 1, 2. 1961, c. 244, § 2.)

Effect of amendments. — The 1957 amendment inserted "as defined in such contract" in the second sentence and substituted "with respect to" for "by reason of which it shall have acquired" in the proviso of such sentence, inserted the provisions relative to referendum in the proviso of the third sentence and changed the date at the end of such proviso from "1951" to "1961", and added the last sentence of the section.

This section was amended twice by P. L. 1959, c. 351. Section 2, c. 351, added the second and third paragraphs to this sec-

tion. Prior to section 1 of c. 351, the next to the last sentence in the present first paragraph was a proviso, beginning with the words "provided, however, that" and concluding with the words and figures "prior to April 1, 1961."

The 1961 amendment, effective on its approval, April 24, 1961, deleted "of such city" following "voters" and before "voting" in the second paragraph.

Sec. 19. Housing bonds legal investments and security.—The state and all public officers, municipal corporations, political subdivisions and public bodies, all banks, bankers, trust companies, savings banks, commercial banks and institutions, building and loan associations, savings and loan associations, investment companies, insurance companies, insurance associations and other persons carrying on a banking or insurance business, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by a housing authority created by or pursuant to this chapter or issued by any public housing authority or agency in the United States, any of its territories, the District of Columbia, Puerto Rico, Guam or the Virgin Islands, when such bonds or other obligations are secured by a pledge of annual contributions or other financial assistance to be paid by the federal government, or when such bonds or other obligations are secured by an agreement between the United States government or any agency thereof and the public housing authority or agency in which the United States government or any agency thereof agrees to lend to the public housing authority or agency, prior to the maturity of the bonds or other obligations, moneys in an amount which, together with any other moneys irrevocably committed to the payment of interest on the bonds or other obligations, will suffice to pay the principal of the bonds or other obligations with interest to maturity, which moneys under the terms of the agreement are required to be used for that purpose, and such bonds and other obligations shall be authorized security for all public deposits and shall be fully negotiable in this state; it being the purpose of this section to authorize any of the foregoing to use any funds owned or controlled by them, including, but not limited to, sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations; provided, however, that nothing contained in this section shall be construed as relieving any person, firm or corporation from any duty of exercising reasonable care in selecting securities. The provisions of this section shall apply notwithstanding any restrictions on investments contained in other laws. (1949, c. 441. 1957, c. 395, § 6.)

Effect of amendment. — The 1957 amendment rewrote this section.

Sec. 20. Cooperation in undertaking projects.

IX. Enter into agreements, which may extend over any period, notwithstanding any provision or rule of law to the contrary, with a housing authority respecting action to be taken by such state public body pursuant to any of the powers granted by this chapter. If at any time title to, or possession of, any project is held by any public body or governmental agency authorized by law to engage in the development or administration of low-rent housing or slum clearance projects, including any agency or instrumentality of the United States of America, the provisions of such agreements shall inure to the benefit of and may be enforced by such public body or governmental agency. Any sale, conveyance, lease or agreement provided for in this section may be made by a state public body without public notice, advertisement or public bidding, notwithstanding any other laws to the contrary. (1949, c. 441. 1957, c. 395, § 7.)

Effect of amendment. — The 1957 amendment inserted the second sentence and also inserted the word "without" in the third sentence of subsection IX.

As the rest of the section was not changed by the amendment, only subsection IX is set out.

Sec. 22. Definitions.—The following terms, wherever used or referred to in this chapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

"Area of operation" of an authority of a town shall include all the town for which it is created, and the area of operation of a housing authority of a city shall include the city and the area within ten miles outside the territorial boundaries thereof. The area of operation of the housing authority of a city shall not, however, include any area which lies within the territorial boundaries of any other city nor shall it include any portion of a town for which a housing authority has been organized, without the consent by resolution of the selectmen of the town or the governing body of the other city. No authority shall operate in any area in which an authority already established is operating without the consent by resolution of the authority already operating therein.

"Authority" or "housing authority" shall mean any of the public corporations created or authorized to be created by this chapter.

"Bonds" shall mean any bonds, notes, interim certificates, debentures or other obligations issued by an authority pursuant to this chapter.

"Clerk" shall mean the clerk of the city or town or the officer charged with the duties customarily imposed on such clerk.

"Federal government" shall include the United States of America, the Public Housing Administration or any other agency or instrumentality, corporate or otherwise, of the United States of America.

"Governing body" shall mean the city council or other legislative body charged with governing a city.

"Major disaster" shall mean any flood, drought, fire, hurricane, earthquake, storm or other catastrophe which, in the determination of the governing body, is of sufficient severity and magnitude to warrant the use of available resources of the federal, state and local governments to alleviate the damage, hardship or suffering caused thereby.

"Municipality" shall mean city or town as the case may be.

"Obligee of the authority" or "obligee" shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the authority property used in connection with a project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority.

"Persons engaged in national defense activities" shall mean persons in the armed forces of the United States, employees of the department of defense; and workers engaged or to be engaged in activities connected with national defense. The term also includes the families of the persons, employees and workers who reside with them.

"Persons of low income" shall mean persons or families who lack the amount of income which is necessary, as determined by the authority undertaking a project, to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

"Project" or "housing project" shall mean any work or undertaking:

I. To demolish, clear or remove buildings from any slum area; or

II. To provide decent, safe and sanitary dwellings, apartments or other living accommodations for persons of low income; such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers,

water service, utilities, parks, site preparation, landscaping, administrative, community, health, recreational, welfare or other purposes; or

III. To accomplish a combination of the foregoing.

The terms "project" or "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith, and the term shall include all other real and personal property and all tangible or intangible assets held or used in connection with the housing project.

"Selectmen" shall mean the board of selectmen of the town or, if the town has no selectmen, the officers charged with the duties customarily imposed on the board of selectmen thereof.

"State public body" shall mean any city, town, district or other political subdivision of the state. (1949, c. 441, 1957, c. 395, § 8, 1961, c. 244, § 3.)

Effect of amendments. — The 1957 amendment rewrote the definitions of "area of operation" inserted the definitions of "major disaster" and "person engaged in national defense activities", and added the last clause to the definition of "project" or "housing project". The 1961 amendment, effective on its approval, April 24, 1961, repealed the former ninth paragraph of this section, defining "mayor".

Sec. 23. Saving clause.—If any clause, sentence or section of this chapter shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence or section of this chapter directly involved in the controversy in which said adjudication shall have taken place. (1957, c. 395, § 9.)

Chapter 94.

Pauper Laws.

Paupers, Settlement and Support.

Sec. 1. Settlements.

VI.

I. GENERAL CONSIDERATION.

Quoted in *Amity v. Inhabitants of Orient*, 153 Me. 29, 134 A. (2d) 365.

III. RESIDENCE MUST CONTINUE FOR FIVE YEARS.

Presence and intent to remain, etc.

In accord with original. See *Bethel v. Hanover*, 151 Me. 318, 118 A. (2d) 787.

Sec. 2. Pauper supplies.

Mentality of recipient. — Evidence justified finding that recipient had sufficient mentality to understand and realize that he was making application for pauper

V. SETTLEMENT OF INSANE PERSONS.

Sufficient mental capacity to acquire a settlement.—See *Bethel v. Hanover*, 151 Me. 318, 118 A. (2d) 787.

supplies and was receiving them with full knowledge that they were such. *Bethel v. Hanover*, 151 Me. 318, 118 A. (2d) 787.

Sec. 5. Towns must notify state when state paupers assisted.

Applied in *Norridgewock v. Hebron*, 152 Me. 280, 128 A. (2d) 215.

Sec. 8-A. Central Maine Sanatorium. — No person acquires a pauper settlement in the town of Fairfield by reason of being a patient of the Central Maine Sanatorium. (1959, c. 324.)