

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

REVISED STATUTES

OF THE

STATE OF MAINE

1954

1957 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 3

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

THE MICHE COMPANY
CHARLOTTESVILLE, VIRGINIA
1957

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

Effect of amendment. — The 1957 amendment rewrote the definitions of “area of operation”, inserted the definitions of “project” or “housing project” and “person engaged in national defense activities”, and added the last clause to the definition of “major disaster” and “person

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.

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.

V. SETTLEMENT OF INSANE PERSONS.

Sufficient mental capacity to acquire a settlement.—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

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. 10. Soldiers, sailors, marines honorably discharged not considered paupers; families not supported in poorhouse.—No soldier, sailor or marine who served in the army, navy or marine corps of the United States in the war of 1861 or in the war with Spain, and no male or female veteran who served in World Wars I or II or the Korean Campaign, and who has received an honorable discharge from said service, and who has or may become dependent upon any town shall be considered a pauper or be subject to disfranchisement for that cause; but the time during which said soldier, sailor or marine is so dependent shall not be included in the period of residence necessary to change his settlement; and overseers of the poor shall not have authority to remove to or support in the poorhouse any such dependent soldier, sailor or marine or his family. The word “family” here used shall be held to include the soldier, sailor or marine, his wife, his unremarried widow, not previously divorced, his surviving unmarried minor children, such other surviving unmarried children who by reason of mental incapacity or physical disability are unable to provide for themselves, his unmarried minor children living with him and dependent upon him for support and such other unmarried children of his dependent upon him for support who by reason of mental incapacity or physical disability are unable to provide for themselves; but the town of his settlement shall support them at

his own home in the town of his settlement or residence or in such suitable place other than the poorhouse as the overseers of the town of his settlement may deem right and proper. The words "soldier, sailor or marine" here used shall be held to include male and female veterans. In case of violation of the provisions of this section the overseers of the poor shall be subject to a fine of \$25; and for every day they allow them to remain in such poorhouse, after reasonable notice, they shall be subject to a further fine of \$5 a day, to be recovered by complaint or indictment. This section shall not be so construed as to deprive overseers of the poor of any right to remove and support such dependent soldier, sailor or marine and his family in the town of his settlement as provided by law. (R. S. c. 82, § 10. 1951, c. 157, § 14. 1957, c. 246.)

Effect of amendment. — The 1957 amendment made changes in the definition of the word "family" in the second sentence.

Sec. 11. Towns to relieve poor.—Towns shall relieve persons having a settlement therein when, on account of poverty, they need relief. (R. S. c. 82, § 11. 1957, c. 405, § 15.)

Effect of amendment. — The 1957 amendment deleted the former second sentence which related to raising money and to overseers of the poor.

Sec. 21. Relief of paupers in unincorporated places; state paupers; paupers in deorganized places.

The provisions of this section shall not apply to administrative responsibility for relief of persons found in townships which have become deorganized through an act to surrender their organization passed by the legislature. All persons found in such deorganized places needing relief are under the care of the department of health and welfare. The state shall recover for relief furnished persons in deorganized towns from the towns of their settlement, if any within the state. If such persons have no settlement within the state, the department of health and welfare shall have the same rights and privileges as to location, care, support and earnings of such persons as are set forth in this section relative to persons found in unorganized townships. (R. S. c. 82, § 21. 1947, c. 230. 1957, c. 397, § 45.)

Effect of amendment. — The 1957 amendment substituted "deorganized" for "unincorporated" in the first sentence of the last paragraph. As the first two paragraphs were not changed by the amendment, they are not set out.

Sec. 25. Certain larger plantations to maintain their paupers. — Plantations having a population of 200 or more and a valuation of at least \$250,000 shall support the paupers therein, in the same manner that towns now do, and the expenses therefor shall not be chargeable to the state. (R. S. c. 82, § 25. 1955, c. 87.)

Effect of amendment.—The 1955 amendment, which became effective on its approval, March 18, 1955, substituted "\$250,000" for "\$100,000."

Sec. 28. Overseers to relieve persons having settlement in other towns; actions between towns.

II. AUTHORITY AND DUTIES OF OVERSEERS.

Overseers cannot delegate powers.—Overseers of the poor cannot delegate to others their discretionary powers and duties. *Bethel v. Hanover*, 151 Me. 318, 118 A. (2d) 787.

But it may be furnished only the destitute, etc.

In accord with 1st paragraph in original. See *Bethel v. Hanover*, 151 Me. 318, 118 A. (2d) 787.

Recipient held to be destitute.—Recipient of assistance was held to be destitute within the meaning of this section where there was evidence showing small earnings and lack of resources of the recipient for the support of his wife, nine children

and himself during a substantial period at the time the aid was given. *Bethel v. Hanover*, 151 Me. 318, 118 A. (2d) 787.

Weight to be given decisions of overseers.—When overseers acted in good faith and with reasonable judgment touching the necessity of relief of persons found in need, their conclusions will be respected in law. Their conclusions with regard to the nature and extent of relief should in like manner be respected. In neither case will their decision be final

but as they are officers sworn to their duty, it is presumed that they act with integrity until a contrary is shown. *Bethel v. Hanover*, 151 Me. 318, 118 A. (2d) 787; *Machias v. East Machias*, 116 Me. 423, 102 A. 181.

III. GENERAL ASPECTS OF RECOVERY.

Interest on award for recovery of expenditures.—See *Norridgewock v. Hebron*, 152 Me. 280, 128 A. (2d) 215.

Burial of Honorably Discharged Soldiers and Sailors.

Sec. 45. State to pay burial expenses of destitute soldiers and sailors and their widows.—Whenever any person who has served in the army, navy or marine corps of the United States and was honorably discharged therefrom shall die, being at the time of his death a resident of this state and in destitute circumstances, the state shall pay the necessary expenses of his burial; or whenever the widow of any person who served in the army, navy or marine corps of the United States and was honorably discharged therefrom shall die, being at the time of her death a resident of this state and being in destitute circumstances and having no kindred living within this state and of sufficient ability legally liable for her support, the state shall pay the necessary expenses of her burial. Such expenses shall not exceed the sum of \$200 in any case and the burial shall be in some cemetery not used exclusively for the burial of the pauper dead. (R. S. c. 82, § 45. 1957, c. 243.)

Effect of amendment.—The 1957 amendment made this section into two sentences and increased the sum mentioned in the second sentence from \$100 to \$200.

Chapter 96.

Forests. Parks. Ways. Sewers and Drains. Fences.

Section 1-A. State-Owned Lands.

State-Owned Lands.

Sec. 1-A. Profits from state-owned lands.—In towns where the state owns land as the result of acquisition of such land through the use of federal aid funds under the Pittman-Robertson Federal Aid to Wildlife Act and upon which natural products are sold or leased, 50% of the net profits received by the state from the sale or lease of such natural products shall be paid by the state to the town wherein such land is located. (1955, c. 405, § 43.)

Public Parks, Squares, Playgrounds and Shade Trees.

Sec. 5. Land taken for parks, squares, public libraries and playgrounds.—Any city or town upon petition in writing signed by at least 30 of its taxpaying citizens, directed to the municipal officers, describing the land to be taken as hereinafter provided, and the names of the owners thereof so far as they are known, may, at a meeting of such town or the city government, direct such municipal officers to take suitable lands for public parks, squares, playgrounds, buildings for municipal purposes or a public library building; and thereupon such officers may take such land for such purposes, but not without consent of the