

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

1961 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 3

Discard Previous Pocket Part Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1961

and no votes purporting to be cast by such plantation shall be counted or allowed by the governor and council. When a plantation is organized after the first day of July, such return is not required to be made by the clerk thereof during that year; but the votes of such plantations shall not be counted or allowed by the governor and council for any purpose, during the year of its organization, unless it is organized at least 60 days prior to the Tuesday following the first Monday of November. (R. S. c. 89, § 7. 1959, c. 204, § 32.)

Effect of amendment.—The 1959 amendment changed the date at the end of the section from “2nd Monday in September” to “Tuesday following the first Monday of November.”

Sec. 10-A. Decoration of veterans' graves on Memorial Day.—Section 11 of chapter 90-A, which requires municipalities to decorate the graves of veterans of the armed forces of the United States of America on Memorial Day, applies equally to plantations. (1957, c. 405, § 19.)

Sec. 10-B. Indebtedness; temporary loans. — Plantations may borrow money in anticipation of taxes and issue general obligation securities in the manner provided for in chapter 90-A. (1959, c. 19, § 3.)

Effective date.—The 1959 act adding this section became effective on its approval, February 26, 1959.

Sec. 11. Money for schools, poor, etc.—All plantations may raise and expend money for the support of schools and making and repairing schoolhouses, as provided in section 28 of chapter 41; for support of the poor, as provided in section 41 of chapter 94; and for sums necessary for legal plantation expenses. (R. S. c. 89, § 11. 1945, c. 378, § 73. 1957, c. 429, § 85.)

Effect of amendment.—The 1957 amendment substituted “section 28” for “sections 28, 157 and 158.”

Sec. 11-A. Accounting and postaudit provisions.—Sections 24 to 28 of chapter 90-A, which contain accounting and postaudit provisions for towns, apply equally to plantations. (1957, c. 405, § 16.)

Chapter 102.

Emergency Municipal Finance Board. Deorganized Towns and Plantations.

Emergency Municipal Finance Board.

Sec. 9. Complaint; notice.—If the commissioner or commissioners who are in charge of the affairs of any such municipality under this chapter are of the opinion that said municipality has incurred, prior to the date on which the administration of the affairs of said municipality were taken over by the board, debts and obligations in excess of the debt limit fixed by the constitution of the state for such municipality, and that but for section 7, said municipality would be subjected to a multiplicity of actions, said commissioner or commissioners may bring in the name of the inhabitants of said municipality a complaint in the superior court in the county in which said municipality is located against all of the known persons, firms or corporations holding any debts or obligations against the inhabitants of said municipality, to have the validity of all the debts and obligations of said municipality determined.

The attorney general shall appear for and on behalf of the petitioner in such proceedings and the expense thereof shall be paid from any funds in the hands

of said commissioner or commissioners in charge of the affairs of said city, town or plantation. The court may fix a time within which all persons, firms or corporations holding claims or demands against the inhabitants of such city, town or plantation shall file their claim or demand for adjudication of its validity as an obligation of said city, town or plantation. The court shall also order public notice to creditors of the inhabitants of the city, town or plantation to file their claims within the time specified, by publication in a newspaper published or printed in the county in which said city, town or plantation is located, and if no newspaper is published or printed in said county, then in the state paper, for at least 3 successive weeks, the last publication to be at least 30 days before the final date set by the court for filing claims against the inhabitants of said city, town or plantation, and the court may also order such additional notice to be given as in its discretion may be proper and necessary.

After such notice has been given and before the date for filing claims against the inhabitants of said city, town or plantation has expired, the court shall fix the time for hearing upon the claims so filed, which hearing may be adjourned from time to time to determine the validity of the obligation and the amount thereof. Any party aggrieved by the finding of said court may appeal within 30 days to the superior court in the county where such municipality is located. The judgment of the single justice shall be binding upon all parties unless appealed from as aforesaid. All obligations determined by said court not to be valid claims against the inhabitants of said city, town or plantation shall be forever barred in any action against the inhabitants of said city, town or plantation and the finding of the court may be pleaded as a bar to any action brought upon said claim or claims. All indebtedness adjudicated to be valid against the inhabitants of said city, town or plantation by the finding of the single justice or on appeal, if such appeal is taken by either party, shall be thereafter considered as a valid outstanding indebtedness against the inhabitants of said city, town or plantation. (R. S. c. 90, § 9. 1961, c. 317, §§ 316, 317.)

Effect of amendment.—The 1961 amendment substituted “municipality” for “city, town or plantation” throughout the first paragraph of this section, made other changes therein to conform to the rules of civil procedure and rewrote the second

sentence of the last paragraph, which formerly read “Any party aggrieved by the finding of said court may appeal to the next term of the superior court to be held in the county where such city, town or plantation is located.”

Sec. 10. Voluntary compromise settlements.

Such an offer may be made to the state upon obligations due the state, whether arising from taxes, bonds, notes or otherwise by presentation to the treasurer of state; and upon recommendation, certification and approval in the manner prescribed in section 47 of chapter 15-A, the treasurer of state shall thereupon accept and receipt for the sum or sums so offered in full and final settlement, and the balance of any such obligation shall be charged off the books of account of the state.

(1957, c. 340, § 6.)

Effect of amendment. — The 1957 amendment substituted “section 47 of chapter 15-A” for “section 32 of chapter 16” in the second paragraph. Section 12 of such amendatory act provided that it

should be retroactive to July 1, 1957.

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

Deorganized Towns and Plantations.

Sec. 12. Debts of deorganized towns and school districts therein. — Where towns are deorganized by a repeal of their charters, and their liabilities are excepted and reserved by the repealing act, legal service of process to collect such liabilities may be made on any inhabitant of lawful age resident in the territory

included in said towns; provided there are no legal officers in said territory on whom service can be made. The provisions of this section extend to school districts in said towns so far as applicable. (R. S. c. 90, § 12. 1959, c. 317, § 66.)

Effect of amendment.—The 1959 amendment struck out the words “as provided for service of such process against towns,” formerly appearing after the word “towns” and struck out the word “that”, formerly appearing after the word “provided.”

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 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. 13. Power and authority of state tax assessor.—Whenever the organization of any town or plantation has been terminated by act of the legislature, the powers, duties and obligations relating to the affairs of said town or plantation shall be vested in the state tax assessor for not more than 5 years. The state tax assessor shall have the authority to sell or otherwise dispose of any property, other than property formerly used or still being used for school purposes, the title of which rests in the town at the time of deorganization or may come to the town subsequent to deorganization. The state tax assessor shall have the power and authority to assess taxes any time after the act terminating the organization of the town or plantation becomes operative by making assessment once a year under the laws now relating to the assessment of state taxes in unorganized territory, and the state tax assessor shall have the same power and authority to enforce the collection of said taxes as is now provided for the collection of state taxes. All moneys received by virtue of said assessment and collection, or disposal of property, shall be applied to the payment of necessary expenses of the state tax assessor in making such assessment, and to the payment of any obligations of said town or plantation outstanding at the time of termination of its organization, and to the payment of state and county taxes assessed against such town or plantation and for the completion of any public works of said town or plantation already begun. When in the best judgment of said state tax assessor final payment of all known accounts against said town, which has been or may be deorganized, has been made, or at the end of said period of 5 years, any funds unexpended, if any exist, shall be deposited by the former town if still in its possession, or by the treasurer of state if in his possession, with the county commissioners as an offset against future road taxes in such deorganized town, as already set forth in chapter 89, section 65. If no road maintenance as described exists in said town, said unexpended funds shall be expended on repairs, maintenance or restoration of such town enterprise as may be designated by the state tax assessor in his capacity as described in this section. (R. S. c. 90, § 13. 1945, c. 41, § 38; c. 182, § 1; c. 378, § 74. 1957, c. 140, §§ 1, 2. 1959, c. 38, § 2.)

Effect of amendments.—The 1959 amendment rewrote this section. The 1957 amendment had made changes in the former sec-

ond and third paragraphs, both of which were deleted by the 1959 amendment.

Chapter 103.

Supreme Judicial Court.

Supreme Judicial Court; Constitution and General Jurisdiction.

Sec. 4. Salary of justices; expenses; clerical assistance.—The justices of the supreme judicial court shall each receive an annual salary of \$14,000 and