

MAINE STATE LEGISLATURE

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COUNTIES

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§ 1. Expense accounts to be under oath

Every county officer whenever required by law to render a bill of expenses shall itemize the same and make oath, before presenting it for auditing or payment, that it includes only actual cash outlay while in the performance of his official duties.

R.S.1954, c. 119, § 12.

§ 2. Salaries

The county commissioners, clerks of the judicial courts and their deputies, county treasurers and their deputies, sheriffs, registers of deeds, judges of probate and registers of probate 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 in a sum which will, in the year's aggregate, most nearly equal the annual salary, as follows, and no other fees, costs or emoluments shall be allowed them:

Androscoggin County: County commissioners, \$2,000; chairman, \$2,600; clerk of courts, \$5,800; county attorney, \$5,000; assistant county attorney, \$3,500; county treasurer, \$4,300; sheriff, \$5,500; register of deeds, \$5,800; judge of probate, \$5,000; register of probate, \$4,800.

Aroostook County: County commissioners, \$1,250, except that one member of the board, designated by the board as chief administrative officer, shall receive \$5,000; clerk of courts, \$5,500; county attorney, \$4,500; assistant county attorney, \$3,500; county treasurer, \$3,000; sheriff, \$5,500; register of deeds, northern district, \$4,000; southern district, \$4,500; judge of probate, \$4,000; register of probate, \$4,000.

Cumberland County: County commissioners, \$4,000; clerk of courts, \$7,500; deputy clerk of courts, \$6,000; county attorney, \$6,500; first assistant county attorney, \$5,000; second assistant county attorney, \$4,500; county treasurer, \$5,500; sheriff, \$7,000; register of deeds, \$6,500; deputy register of deeds, \$5,000; judge of probate, \$8,000; register of probate, \$7,000.

Franklin County: County commissioners, \$900; clerk of courts, \$3,700; county attorney, \$4,000; county treasurer, \$1,200; sheriff, \$4,000; register of deeds, \$4,100; judge of probate, \$2,000; register of probate, \$3,600.

Hancock County: County commissioners, \$1,450; clerk of courts, \$3,750; deputy clerk of courts, \$2,600; county attorney, \$4,500; county treasurer, \$2,350; sheriff, \$4,250; register of deeds, \$3,750; judge of probate, \$4,250; register of probate, \$3,750.

Kennebec County: County commissioners, \$1,850; chairman, \$2,100; clerk of courts, \$5,000; deputy clerk of courts, \$3,700; county attorney, \$5,000; assistant county attorney, \$3,500; county treasurer, \$3,750; sheriff, \$5,500; register of deeds, \$5,500; judge of probate, \$6,000; register of probate, \$4,000.

Knox County: County commissioners, \$1,100; clerk of courts, \$4,000; county attorney, \$4,000; county treasurer, \$1,400; sheriff, \$4,300; register of deeds, \$4,000; judge of probate, \$3,000; register of probate, \$3,000.

Lincoln County: County commissioners, \$1,000; chairman, \$1,100; clerk of courts, \$4,300; county attorney, \$4,000; county treasurer, \$1,000; sheriff, \$3,800; register of deeds, \$4,300; judge of probate, \$3,500; register of probate, \$4,000.

Oxford County: County commissioners, \$1,800; chairman, \$2,000; clerk of courts, \$4,200; county attorney, \$4,500; county treasurer, \$2,700; sheriff, \$4,300; register of deeds, eastern district, \$4,200; western district, \$2,400; judge of probate, \$4,000; register of probate, \$4,000.

Penobscot County: County commissioners, \$2,500; clerk of courts, \$5,500; deputy clerk of courts, \$4,500; county attorney, \$5,500; assistant county attorney, \$4,250; county treasurer, \$3,500; sheriff, \$5,800; register of deeds, \$5,000; judge of probate, \$5,500; register of probate, \$4,500.

Piscataquis County: County commissioners, \$1,000; chairman, \$1,100; clerk of courts, \$3,600; county attorney, \$4,000;

county treasurer, \$1,200; sheriff, \$3,800; register of deeds, \$3,600; judge of probate, \$2,800; register of probate, \$3,400.

Sagadahoc County: County commissioners, \$1,000; clerk of courts, \$4,200; county attorney, \$4,000; county treasurer, \$1,700; sheriff, \$4,100; register of deeds, \$4,200; judge of probate, \$3,000; register of probate, \$3,000.

Somerset County: County commissioners, \$1,000; chairman, \$1,200; clerk of courts, \$4,700; county attorney, \$4,500; county treasurer, \$2,100; sheriff, \$4,500; register of deeds, \$4,500; judge of probate, \$4,500; register of probate, \$4,500.

Waldo County: County commissioners, \$1,000; clerk of courts, \$3,800; county attorney, \$4,000; county treasurer, \$1,200; sheriff, \$4,000; register of deeds, \$3,200; judge of probate, \$3,000; register of probate, \$3,200.

Washington County: County commissioners, \$1,800; clerk of courts, \$3,600; county attorney, \$4,500; county treasurer, \$2,600; sheriff, \$4,300; register of deeds, \$3,300; judge of probate, \$3,000; register of probate, \$3,200.

York County: County commissioners, \$1,750; clerk of courts, \$5,500; deputy clerk of courts, \$4,200; county attorney, \$5,000; assistant county attorney, \$3,500; county treasurer, \$1,750; sheriff, \$4,750; register of deeds, \$5,200; judge of probate, \$6,500; register of probate, \$4,500.

The salaries mentioned in this section 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.

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 of sheriffs and their deputies not on a salary or per diem basis to receive fees for service of criminal process, and no county officer shall receive a private benefit from the labor of any person in the employ of the county.

R.S.1954, c. 89, § 254; 1955, cc. 254, 255, 266, 270, 287, 316, 319, 324, 327, 336, 347, 394, 411, 440, 445, 447, 448, 453, 459, 464, 469, 470; 1957, cc. 93, 353, 406, 416; 1959, c. 372, § 7; 1961, cc. 107, 286; c. 388, § 2; c. 390, § 1; c. 409, § 1; c. 417, §§ 176, 177; 1963, cc. 59, 409.

§ 3. —Increases

Increases in the salaries of county officers, authorized by the Legislature, shall not become effective until January 1st of the year next succeeding the recess of the session of the Legislature passing such salary increases.

1963, c. 353.

§ 4. Fees; 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 treasurer of Kennebec County for the use and benefit of the county. 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.

§ 5. —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. 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.

§ 6. —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.

R.S.1954, c. 89, § 256; 1955, c. 231.

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COUNTY COMMISSIONERS

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ARTICLE 1. GENERAL PROVISIONS

§ 51. Incompatible offices

No person holding the office of county commissioner shall at the same time hold either the office of mayor or assessor of a city or of selectman or assessor of a town.

R.S.1954, c. 89, § 10.

§ 52. Commissioner not to be agent to spend money

No commissioner shall be appointed to expend money assessed or raised for any purpose by the board of which he is a member.

R.S.1954, c. 89, § 32.

§ 53. Payment of costs on change of venue in criminal cases

Whenever a criminal case has been transferred for trial from one county to another, the county commissioners of the county from which the case has been removed are authorized and shall pay to the other county all costs of court incurred by the trial.

1961, c. 233.

§ 54. Warrants of distress; actions

Warrants of distress, on judgments legally rendered by the county commissioners, may be originally issued within 2 years after judgment and made returnable to the clerk's office within 90 days from their date. New warrants may be issued within 2

years from the return day of the last preceding warrant for sums remaining unsatisfied. No warrant shall be originally issued against a town until 20 days after a certificate of rendition of the judgment is transmitted by their clerk to the assessors of such town. Interest on the damages shall be included and collected by such warrants as in executions. A party, for whose benefit a judgment is rendered by them, may recover the amount in a civil action founded on such judgment.

R.S.1954, c. 89, § 31; 1961, c. 317, § 216.

§ 55. Services in condemnation cases

For services performed by county commissioners in the assessment of damages for land or easement sought to be taken or acquired by private corporations they shall charge \$3 a day and actual traveling expenses and certify the same in a bill of items to the county attorney, who shall collect the sums so charged of the party seeking to exercise the right of eminent domain and forthwith pay the same to the county treasurer. The county treasurer shall pay to said commissioners actual traveling expenses when collected by the county attorney.

R.S.1954, c. 89, § 33.

§ 56. Execution of process

Sheriffs and their deputies and constables shall execute all legal processes directed to them by the commissioners.

R.S.1954, c. 89, § 11.

§ 57. Saturday closing

County offices may in the discretion of the county commissioners of each county be closed in part or in whole on Saturdays.

R.S.1954, c. 89, § 19; 1955, c. 236; 1957, c. 291.

ARTICLE 2. ELECTION AND TENURE**§ 101. Board membership; chairman**

There shall be a board of commissioners for each county consisting of a chairman and 2 other citizens, all resident in the county, who shall be elected, or in case of a vacancy, appointed by the Governor with the advice and consent of the Council. The chairman shall be designated by them at their first meeting on

or after the first day of January annually, to act for one year, except that in Androscoggin County the elected member whose term soonest expires shall be chairman. If said elected member in Androscoggin County shall in writing decline the election as chairman, the board may, by ballot, elect either of the other members to be chairman.

R.S.1954, c. 89, § 1.

§ 102. Vacancies; 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 2 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.1954, c. 89, § 2; 1959, c. 204, § 29.

§ 103. —Other times

When no choice is effected or a vacancy happens in the office of county commissioner by death, resignation, removal from the county or for any other reason, the Governor with the advice and consent of the Council shall appoint a person to fill the vacancy, who shall hold office until the first day of January after another has been chosen to fill the place.

R.S.1954, c. 89, § 3; 1963, c. 210, § 1.

§ 104. Military or naval service; substitutes

Whenever a county commissioner during his term of office shall, in time of war, contemplated war, emergency or limited emergency, enlist, enroll, be called or ordered or be drafted into the military or naval service of the United States or any branch or unit thereof, he shall not be deemed or held to have thereby resigned from or abandoned his said office, nor shall he be removable therefrom during the period of his said military or naval service except that his term of office shall not be held to have been lengthened by reason of this section. From the time of his

induction into such service, he shall be regarded as on leave of absence without pay from his said office, and the Governor with the advice and consent of the Council shall appoint a competent citizen, a resident of the county so affected, to fill said office while said county commissioner is in the federal service, but not for a longer period than the remaining portion of the term of said county commissioner. During the period of said military or naval service, the county shall pay to said substitute county commissioner a salary at the same rate as the rate of pay of the county commissioner and amounts so paid shall be deducted from the salary of said county commissioner. The citizen so appointed to fill the temporary vacancy shall have the title of "substitute county commissioner" and shall possess all the rights and powers and be subject to all the duties and obligations of the county commissioner for whom he is substituting.

R.S.1954, c. 89, § 4.

§ 105. 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.

R.S.1954, c. 89, § 5; 1959, c. 204, § 30; 1963, c. 414, § 92.

§ 106. Salaries

The county commissioners in the several counties shall receive annual salaries as set forth in section 2 from the treasurer of the counties in monthly, semiannual or annual payments, as determined by the county commissioners. If such payments are made monthly, they shall be made on the last day of each month; if semiannually, they shall be made on the last day of June and the last day of December; if annually, they shall be made on the last day of December.

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 55.

R.S.1954, c. 89, § 6; 1959, c. 372, § 1; 1963, c. 80.

ARTICLE 3. SESSIONS

§ 151. Sessions; times; places

The county commissioners shall hold annual sessions in the shire town of each county at the times following:

In the County of Androscoggin, on the first Tuesdays of April and October;

Aroostook, on the first Tuesdays of January, March, May, July, September and November;

Cumberland, terms of record on the first Tuesdays of January and June, and regular sessions on the first Tuesday of each month;

Franklin, on the last Tuesdays of April and December;

Hancock, on the 2nd Tuesdays of April, September and December;

Kennebec, on the 3rd Tuesdays of April, August and December;

Knox, on the first Tuesdays of April and December and the 3rd Tuesday of August;

Lincoln, on the first Tuesdays of May and September and the last Monday of December;

Oxford, on the 3rd Tuesdays of May, September and December, at Paris;

Penobscot, on the first Tuesdays of January, April, July and October;

Piscataquis, on the first Tuesdays of April, August and December;

Sagadahoc, on the first Tuesdays of March, July and November;

Somerset, on the first Tuesdays of March and August and the 2nd Tuesday of December;

Waldo, on the 2nd Tuesday of April, and the 3rd Tuesdays of August and December;

Washington, at Machias, on the 2nd Tuesdays of February and October, and at Calais on the 2nd Tuesday of June;

York, terms of record on the first Tuesdays of April and October at Alfred, and regular sessions on the first Tuesday of each month at Alfred.

R.S.1954, c. 89, § 7.

§ 152. Quorum

Two commissioners constitute a quorum. When only one attends, he may adjourn to a convenient time and place. When no commissioner attends, the clerk may adjourn as provided in Title 4, section 112.

R.S.1954, c. 89, § 9.

ARTICLE 4. CLERK

§ 201. Designation; powers and duties; records

The clerk of the judicial courts in each county shall be the clerk of the county commissioners. In counties having a deputy clerk or deputy clerks, such deputies shall each be a deputy clerk of the commissioners and in the absence of the clerk shall have the same powers and duties as those of such clerk. The clerk of the county commissioners shall be known as the county clerk and each deputy clerk of the county commissioners shall be known as a deputy county clerk. When a clerk and his deputies are in attendance at any other court, the clerk may appoint a clerk pro tempore to the commissioners for whose doings he is responsible. Such clerks shall be sworn and shall make a daily record of the doings of the county commissioners, and said commissioners shall examine such records and, when correct, shall certify them, and they shall be copied into the records of the county commissioners by the stated clerk.

R.S.1954, c. 89, § 8.

ARTICLE 5. ASSESSMENT OF TAXES

§ 251. Duties

The county commissioners shall make the county estimates and cause the taxes to be assessed. All assessments under this Title made by the county commissioners which include sums assessed for an illegal object shall not be void, nor shall any error, mistake, omission or inclusion of illegal sums in the assessment by the county commissioners void so much of the assessment as is assessed for legal purposes. Any person paying such tax may bring a civil action against the county in the Superior Court for the same county and shall recover so much of the sum paid as was assessed for an illegal object, with 25% interest and costs and any damages which he has sustained by reason of the mistakes, errors or omissions of such commissioners. They shall examine, allow and settle accounts of the receipts and expenditures of the moneys of the county; represent it; have the care of its property and management of its business; by an order recorded, appoint an agent to convey its real estate; lay out, alter or discontinue ways; keep their books and accounts on such forms and in such manner as shall be approved by the State Department of Audit; and perform all other duties required by law.

R.S.1954, c. 89, § 12; 1961, c. 317, § 215.

§ 252. Annual estimates for county taxes; Androscoggin and York Counties

In order to assess a county tax, county commissioners, at their regular session next before the first day of each January in which the Legislature meets, shall prepare estimates of the sums necessary to defray the expenses which have accrued or may probably accrue for one year from said day, including the building and repairing of jails, courthouses and appurtenances, with the debts owed by their counties and like estimates for the succeeding year, and after newspaper notice hold a public hearing thereon in the county, and the county tax for both said years shall be granted by the Legislature separately at the same session.

Such estimates shall be drawn so as to authorize the appropriation to be made to each department or agency of the county government for each year of the biennium. Such estimates shall provide specific amounts for personal services, contractual serv-

ices, commodities and capital expenditures. Whenever any specific appropriation of a department or agency of the county government shall prove insufficient to pay the expenditures required for the statutory purposes for which such appropriation was made, the county commissioners, at the request of such department or agency, may transfer from any other specific appropriation of such department or agency such amount as may be deemed necessary to meet such expenditure. This paragraph shall apply to Androscoggin County and York County only.

R.S.1954, c. 89, § 13; 1963, c. 211.

§ 253. Estimates recorded and sent to Secretary of State

Said estimates shall be recorded by their clerk in a book. A copy thereof shall be signed by the chairman of the county commissioners and attested by their clerk, who shall transmit it to the office of the Secretary of State on or before the 15th day of each February in which the Legislature meets, together with the county reports for the 2 preceding years, to be by him laid before the Legislature.

R.S.1954, c. 89, § 14.

§ 254. Apportionment of county tax; warrants

When a county tax is authorized, the county commissioners shall, in March in the year for which such tax is granted, apportion it upon the towns and other places according to the last state valuation and fix the time for the payment of the same, which shall not be earlier than the first day of the following September. They may add such sum above the sum so authorized, not exceeding 2% of said sum, as a fractional division renders convenient and certify that fact in the record of said apportionment, and issue their warrant to the assessors requiring them forthwith to assess the sum apportioned to their town or place, and to commit their assessment to the constable or collector for collection, and the county treasurer shall immediately certify the millage rate to the State Tax Assessor.

R.S.1954, c. 89, § 15; 1963, c. 344, § 3.

ARTICLE 6. BUILDINGS AND PROPERTY

§ 301. Courtrooms; jails; keeping of records

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; 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 any other necessary buildings. The county commissioners may, in their respective shire towns, provide jails with apartments for debtors separate from criminals, and shall keep such jails in proper repair. They may 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 Title 23, sections 2051 to 2058. 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.1954, c. 89, § 18; 1959, c. 138; 1961, c. 18, §§ 1, 2.

§ 302. Removal of county buildings; vote

The county commissioners shall not remove a county building in the shire town or erect a new one instead of it more than $\frac{1}{2}$ a mile from the former location, without first giving notice of their intentions and of the place where they propose to locate it to the municipal officers of each town in the county. The said municipal officers shall present the same to the town at its next annual meeting for choice of state or town officers, and receive, sort and count the votes for and against the proposal. They and the clerks shall certify and return such votes to the clerk of said commissioners, who shall examine them and act according to the decision of a majority.

R.S.1954, c. 89, § 27.

ARTICLE 7. RECORDS

§ 351. Copies of records

The county commissioners in any county in the State are authorized to cause to be made at the expense of their respective counties, as and when requested by and under the supervision of the register of deeds or register of probate for the county concerned, by any photostatic, photographic, microfilm or other mechanical process which produces a clear, accurate and permanent copy thereof, a copy of any one, any portion or all of the deeds, plans, documents or writings relating to real estate or personal estate and the titles thereto, recorded now or hereafter in the office of the register of deeds or register of probate in their respective counties. Such copies, when so made, shall constitute a duplicate record and shall be filed in fire-resisting safe cabinets located separate and apart from the original records, or any additional reproductions may be filed in the same manner as original records, but within the same county.

R.S.1954, c. 89, § 20.

§ 352. 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 reproductions in fireproof containers.

1955, c. 170.

ARTICLE 8. FINANCES

§ 401. 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, recog-

nized 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 3 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 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.

§ 402. Androscoggin County contingent account

There is 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.

§ 403. Capital reserve accounts

Section 5201, subsections 1 and 2, and section 5202, 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.

§ 404. 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 and in Washington County as provided in section 406, without first obtaining the consent of the county, substantially as provided in section 302.

R.S.1954, c. 89, § 29; 1957, c. 442, § 1; 1963, c. 416, § 1.

§ 405. —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.

§ 406. —Washington County

The county commissioners of Washington County may obtain a loan of money for the use of Washington County, without first obtaining the consent of the county, not to exceed the principal sum of \$50,000, to be paid within 10 years from the date said sum is borrowed, and they are hereby authorized to issue and sell notes or other obligations with interest at such rate and upon such other and further terms as the county commissioners may determine. The proceeds from said loan shall be used solely for the purpose of payment of bank loans outstanding on April 1, 1963.

1963, c. 416, § 2.

§ 407. —Temporary

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 one year from the time when the same is contracted out of money raised during the current year by taxes, sums not exceeding \$500,000, \$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 one 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.1954, c. 89, § 30; 1955, c. 438; 1959, c. 296; 1961, c. 77.

§ 408. 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.

§ 409. 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.

§ 410. 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 Title 14, section 4953.

1957, c. 405, § 14.

§ 411. Annual financial report

At the end of each year, the commissioners of each county shall make a statement of its financial condition, showing in detail all moneys received into and paid out of its treasury and such other facts and statistics as may be necessary to exhibit the true state of its finances, and publish in pamphlet form a reasonable number of copies for distribution among the citizens thereof.

R.S.1954, c. 89, § 34.

SUBCHAPTER III

COUNTY ATTORNEYS

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Sec.

- 451. Election; vacancies.
- 452. Military or naval service; substitutes.
- 453. Salaries.

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- 501. Civil proceedings; compensation.
- 502. Criminal proceedings.
- 503. Dismissal of civil or criminal cases.
- 504. Collection of fines and costs; examination of sheriff's bond.
- 505. Annual report to Attorney General.
- 506. Restrictions and obligations.

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- 551. Appointment of temporary substitutes.
- 552. Appointment of substitute on death or removal.
- 553. Assistant county attorneys; duties; term; Cumberland County.
- 554. —Androscoggin County.
- 555. —Penobscot County.
- 556. —Kennebec County.
- 557. —Aroostook County.
- 558. —York County.

ARTICLE 1. ELECTION AND TENURE

§ 451. Election; vacancies

County attorneys shall be elected and notified, their elections determined and vacancies filled in the same manner, and they shall enter upon the discharge of their duties at the same time as is provided respecting county commissioners, but they shall hold office for 2 years. Only attorneys at law admitted to the general practice of law in this State and resident in the county shall be elected or appointed as county attorney, and removal therefrom vacates the office. Whenever the Governor and Council, upon complaint and due notice and hearing, shall find that a county attorney has violated any statute or is not performing his duties faithfully and efficiently, they may remove him from office and

appoint another attorney in his place for the remainder of the term for which he was elected.

R.S.1954, c. 89, § 112.

§ 452. Military or naval service; substitutes

Whenever a county attorney during his term of office shall, in time of war, contemplated war, emergency or limited emergency, enlist, enroll, be called or ordered or be drafted into the military or naval service of the United States or any branch or unit thereof, he shall not be deemed or held to have thereby resigned from or abandoned his said office; nor shall he be removable therefrom during the period of his said military or naval service except that his term of office shall not be held to have been lengthened by reason of this section. From the time of his induction into such service he shall be regarded as on leave of absence without pay from his said office, and the Governor with the advice and consent of the Council shall appoint a competent attorney, a resident of the county so affected, to fill said office while said county attorney is in the federal service but not for a longer period than the remaining portion of the term of said county attorney. During the period of said military or naval service, the Treasurer of State shall pay to said substitute attorney a salary at the same rate as the rate of pay of the county attorney and amounts so paid shall be deducted from the salary of said county attorney. The attorney so appointed to fill the temporary vacancy shall have the title of "substitute county attorney" and shall possess all the rights and powers and be subject to all the duties and obligations of the county attorney for whom he is substituting.

R.S.1954, c. 89, § 113.

§ 453. Salaries

County attorneys of the several counties shall receive annual salaries as set forth in section 2.

R.S.1954, c. 89, § 114; 1959, c. 372, § 3.

ARTICLE 2. DUTIES

§ 501. Civil proceedings; compensation

The county attorney in each county shall appear for the county, under the direction of the county commissioners, in all

actions 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 actions and proceedings before any other tribunal when requested by said commissioners. All such actions 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.

Writs, summonses or other processes served upon the county or said commissioners shall forthwith be transmitted by them to him. The county commissioners may employ other counsel if in their judgment the public interest so requires. For the services mentioned the county attorney shall receive no compensation other than the salary from the State, except actual expenses when performing said services, the same to be audited by the county commissioners and paid from the county treasury. This section shall in no way relate to or give the county attorney control of litigation in which the county is not financially interested although the official acts and doings of the county commissioners may be called in question.

R.S.1954, c. 89, § 115; 1959, c. 317, § 44; 1961, c. 317, § 230; 1963, c. 414, § 96.

§ 502. Criminal proceedings

The county attorney shall attend all criminal terms held in his county and act for the State in all cases in which the State or county is a party or interested, and unless he makes an order of dismissal as provided shall diligently and without delay prosecute to final judgment and sentence all criminal cases before the Superior Court of his county, and in the absence of the Attorney General from a term in the county, shall perform his duties in state cases under directions from him, in the county, and he shall appear and act for the State with the Attorney General in the law court in all state cases coming into said court from his county. No additional compensation shall accrue to the county attorney by the discharge of such duties.

R.S.1954, c. 89, § 116.

§ 503. Dismissal of civil or criminal cases

In order to dismiss civil or criminal cases, the county attorney shall indorse upon the back of the writ, indictment or complaint in such cases a written order of dismissal, together with a statement of reasons for dismissal, and said order of dismissal shall not take effect unless approved in writing by the justice presiding at the term when the said dismissal is made.

R.S.1954, c. 89, § 117

§ 504. Collection of fines and costs; examination of sheriff's bond

The county attorney shall enforce the collection and payment to the county treasurer of all fines, forfeitures and costs accruing to the State and the faithful performance of their duties by sheriffs and constables and give information to the court of their defaults in this respect; and shall annually move the county commissioners, at their meeting next following the 3rd Tuesday of June, to examine and consider the sufficiency of the sheriff's bond. If he neglects either of said duties, he forfeits to the State not more than \$100, to be recovered in a civil action in the name of the Treasurer of State.

R.S.1954, c. 89, § 118; 1961, c. 317, § 231.

§ 505. Annual report to Attorney General

The county attorney shall, annually, by the 20th day of November, make such a report to the Attorney General of the business done in his office during the year ending on the first day of said November as is required by Title 5, section 204, and failing to do so, he forfeits $\frac{1}{2}$ of his salary for the current quarter, to be deducted by the Attorney General, unless he is satisfied that there was reasonable cause therefor.

R.S.1954, c. 89, § 119.

§ 506. Restrictions and obligations

The county attorney is under the same restrictions as to fees and the same obligations as to witnesses as are imposed on the Attorney General by Title 5, sections 201 and 205.

R.S.1954, c. 89, § 122.

ARTICLE 3. ASSISTANTS AND SUBSTITUTES

§ 551. Appointment of temporary substitutes

When the county attorney does not attend a criminal session or the office is vacant, the court may appoint an attorney to perform his duties during the session and allow him a reasonable compensation to be paid from the county treasury, and the justice shall notify the Attorney General who shall deduct the same from the salary of such county attorney and forward the same to such county treasurer.

R.S.1954, c. 89, § 120.

§ 552. Appointment of substitute on death or removal

Whenever the office of county attorney becomes vacant by reason of the death, permanent incapacity or removal from the county of the incumbent of the office, except as provided for in section 452, the Governor with the advice and consent of the Council shall appoint a competent attorney, a resident of the county affected, to fill out the term of office of said incumbent.

R.S.1954, c. 89, § 121.

§ 553. Assistant county attorneys; duties; term; Cumberland County

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 the District Court. 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.1954, c. 89, § 123; 1959, c. 41, § 2; 1963, c. 402, § 108.

§ 554. —Androscoggin County

The county attorney of the County of Androscoggin may appoint an assistant 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 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 the District Court. 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.

R.S.1954, c. 89, § 124; 1963, c. 402, § 109.

§ 555. —Penobscot County

The county attorney of the County of Penobscot 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 the District Court.

R.S.1954, c. 89, § 125; 1963, c. 402, § 110.

§ 556. —Kennebec County

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 com-

plaints before Judges of the District Court. 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; 1963, c. 402, § 111.

§ 557. —Aroostook County

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 the District Court.

1957, c. 93, § 2; 1963, c. 402, § 112.

§ 558. —York County

The county attorney of the County of York 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 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 the District Court.

1961, c. 388, § 1; 1963, c. 402, § 113.

SUBCHAPTER IV

COUNTY TREASURERS

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- 601. Election; vacancy.
- 602. Notice; election; county commissioners.
- 603. Bond and tenure of office.
- 604. Salaries.

ARTICLE 2. DEPUTIES

- 651. Appointment; duties.

ARTICLE 3. DUTIES GENERALLY

- 701. Deposit or investment of county funds.
- 702. Receipt of costs in favor of State.
- 703. Annual statement of financial standing.

ARTICLE 4. RECORDS AND ACCOUNTS

- 751. Accounts; enforcing payment of taxes.
- 752. Record of fines and bills of costs.
- 753. Treasurer's account with county estimate.
- 754. Annual account to county commissioners.
- 755. Account of federal money for use of jails.
- 756. Collection of accounts due counties.

ARTICLE 1. ELECTION AND TENURE

§ 601. Election; vacancy

A treasurer shall be elected for each county by the legally qualified voters thereof. He shall be a resident of such county and shall serve for a term of 4 years. Neither the Attorney General, county attorney, clerk of courts, sheriff of the county nor any of his deputies shall be county treasurer.

If a person so chosen declines to accept or a vacancy occurs, the Governor with the advice and consent of the Council may appoint a suitable resident of the county who, having accepted the trust, given bond and been sworn, shall be treasurer until the first day of January following the next biennial election, at which said election a treasurer shall be chosen for the remainder of

the term, if any; but in any event he shall hold office until another is chosen and qualified.

R.S.1954, c. 89, § 126.

§ 602. Notice; election; county commissioners

The meetings for election of treasurers shall be notified, held and all proceedings therein regulated, returns made and proceedings thereon had, as provided in Title 33, section 602. The Governor and Council shall forthwith notify the county commissioners of the county where such person resides of his election.

R.S.1954, c. 89, § 127.

§ 603. Bond and tenure of office

The person so elected and accepting the office of county treasurer shall give bond to the county for the faithful discharge of his duties in such sum as the commissioners order and with such sureties as they approve in writing thereon, and shall hold his office for 4 years from the first day of the next January and until another is chosen and qualified in his place.

R.S.1954, c. 89, § 128.

§ 604. Salaries

County treasurers and their deputies shall receive annual salaries as set forth in section 2.

R.S.1954, c. 89, § 130; 1959, c. 372, § 4.

ARTICLE 2. DEPUTIES

§ 651. Appointment; duties

The treasurers of the several counties may appoint deputy treasurers, with the approval of the county commissioners, 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; 1963, c. 113.

ARTICLE 3. DUTIES GENERALLY

§ 701. Deposit or investment of county funds

The treasurer, with the approval of the county commissioners, may deposit the moneys received by him for the use of the county in any of the banking institutions or trust companies or mutual savings banks organized under the laws of this State or in any national bank or banks located therein, or when in his judgment there is money in the treasury which is not needed to meet current obligations, he may, with the advice and consent of the county commissioners, invest such amount as he deems advisable in bonds, notes, certificates of indebtedness or other obligations of the United States of America which mature not more than one year from the date of investment.

R.S.1954, c. 89, § 132.

§ 702. Receipt of 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 action is pending and be by him paid, without deduction, to the county treasurer.

R.S.1954, c. 89, § 133; 1959, c. 317, § 45; 1963, c. 414, § 97.

§ 703. Annual statement of financial standing

Each treasurer shall, at the end of each year in connection with the commissioners, make a statement of the financial condition of the county showing in detail all moneys received into and paid out of its treasury, including a statement in detail of all sums received under Title 18, section 2351, and other facts and statistics necessary to exhibit the true state of its finances, including the number of weeks' board and expense of clothing furnished prisoners, and shall publish in pamphlet form a reasonable number of copies for distribution among its citizens.

R.S.1954, c. 89, § 134.

ARTICLE 4. RECORDS AND ACCOUNTS

§ 751. Accounts; enforcing payment of taxes

The treasurer shall keep his books and accounts on such form and in such manner as shall be approved by the State Department of Audit and shall apply all moneys received by him for the

use of the county toward defraying its expenses, as the county commissioners and the Supreme Judicial or Superior Court by their written order direct. Each treasurer shall account with the commissioners of his county for all receipts and payments. He may enforce payment of taxes in the manner prescribed for the Treasurer of State.

R.S.1954, c. 89, § 131.

§ 752. Record of fines and bills of costs

The county treasurer shall enter in a suitable book an account of all fines, forfeitures and bills of costs accruing to the State, which are from time to time certified to him by the clerk of the judicial courts of the county, and he shall note in said book when any of said sums are paid.

R.S.1954, c. 89, § 136.

§ 753. Treasurer's account with county estimate

The county treasurer shall annually prepare and deliver his account as treasurer to the close of every year to the clerk of the county commissioners and said account shall be enclosed with the estimates for county taxes made by said commissioners and transmitted to the Secretary of State.

R.S.1954, c. 89, § 138.

§ 754. Annual account to county commissioners

Every treasurer holding money or effects belonging to his county shall, annually and oftener if required, exhibit an account thereof to the county commissioners for adjustment.

R.S.1954, c. 89, § 139.

§ 755. Account of federal money for use of jails

The county treasurer shall receive, for the county, all money paid by the United States for the use and keeping of county jails and account therefor according to law.

R.S.1954, c. 89, § 140.

§ 756. Collection of accounts due counties

County treasurers may charge off the books of account of their respective counties, in whole or in part, such accounts re-

ceivable including taxes as shall be certified to them as impracticable of realization by the boards of county commissioners of their respective counties.

R.S.1954, c. 89, § 141.

SUBCHAPTER V

CLERKS

Sec.

801. Funds available.

§ 801. Funds available

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 paid vacations of 3 weeks per year after at least 15 years' service.

Sick leave shall be earned by each county clerical employee at the rate of one working day for each completed full month of service. Unused sick leave may be accumulated to a total of 90 working days. When the maximum limitation has been accumulated, days that would normally thereafter be earned shall lapse. Every county treasurer shall maintain adequate records of the sick leave status of every county clerical employee.

R.S.1954, c. 89, § 255; 1959, c. 372, § 8; 1961, c. 14, §§ 1, 2; 1963, c. 114.

SUBCHAPTER VI

SHERIFFS AND OFFICERS

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ARTICLE 1. GENERAL PROVISIONS

§ 851. Pension 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. 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.

§ 852. Officer not to act as attorney or draw papers; employee of jailer not to act as judge or attorney

No officer shall appear before any court or justice of the peace as attorney or adviser of any party in an action or draw any writ, complaint, declaration, citation, process or plea for any other person, and all such acts done by either of them are void. No person employed by the keeper of a jail in any capacity shall exercise any power or duty of a magistrate or act as attorney for any person confined in the jail, and all such acts are void.

R.S.1954, c. 89, § 205; 1961, c. 317, § 236.

ARTICLE 2. ELECTION AND TENURE; BOND

§ 901. Election or appointment; bond

Sheriffs shall be elected or appointed and shall hold their offices according to the Constitution, and their election shall be ef-

fect and determined as is provided respecting county commissioners, and they shall enter upon the discharge of official duty on the first day of January following. Every person elected or appointed sheriff for the Counties of York, Cumberland, Kennebec or Penobscot, before receiving his commission, shall give bond to the Treasurer of State with at least 3 sufficient sureties or with the bond of a surety company authorized to do business in this State as surety, in the sum of \$40,000, and for any of the other counties, in the sum of \$25,000, conditioned for the faithful performance of the duties of his office and to answer for all neglect and misdoings of his deputies.

R.S.1954, c. 89, § 142.

§ 902. Approval of bond; delivery to State Auditor

Every sheriff having executed the required bond shall file it in the office of the clerk of the county commissioners of his county, to be presented to them at their next meeting for approval. After the bond has been so approved, the clerk shall record it and certify the fact thereon, and retaining a copy thereof, deliver the original to the sheriff who shall deliver it to the State Auditor within 20 days after its approval to be filed in his office.

R.S.1954, c. 89, § 143.

§ 903. Annual examination of bonds

County commissioners, at their first meeting after the 3rd Tuesday of June on motion of the county attorney, shall annually examine into the sufficiency of the bond of the sheriff of their county and cause a record of their determination to be made by their clerks, who shall certify the same to the State Auditor within 30 days.

R.S.1954, c. 89, § 144.

§ 904. New bond where insufficient

If the bond of any sheriff is adjudged insufficient, the clerk within 10 days shall certify that fact to him, who within 20 days thereafter shall give a new bond with sufficient sureties, to be filed in the office of the clerk of the county commissioners and approved, and then filed in the office of the State Auditor.

R.S.1954, c. 89, § 145.

§ 905. Forfeiture for neglect to give bond

Any sheriff for each month's neglect to give the security required in sections 901 or 904, which neglect shall be reported by the State Auditor to the Treasurer of State, forfeits \$150 to the State to be recovered in a civil action by the Treasurer of State. The Attorney General shall prosecute therefor. The clerk of courts of his county shall certify such sheriff's name to the Governor and Council and the Attorney General. Unless reasonable cause therefor is shown, or within 20 days after the clerk has so certified, he gives or renews his security to the satisfaction of the Governor and Council, he thereby vacates his office.

R.S.1954, c. 89, § 146; 1961, c. 317, § 232.

§ 906. Governor may require new bond

When the Treasurer of State certifies to the Governor and Council that moneys due to the State on warrants or any other sums or balances are in the hands of a sheriff and furnishes the names of his sureties, and it appears to them that the sureties are insufficient or have removed from the State, they may require him to give a new bond with sufficient sureties within 60 days after he is notified to be filed as aforesaid, and if he neglects it, his office becomes vacant.

R.S.1954, c. 89, § 147.

§ 907. New bonds required on application of sureties

When a surety on the official bond of a sheriff or his heirs, executors or administrators petition the county commissioners of the same county to be discharged therefrom, they shall cause an attested copy of the petition to be served on such sheriff and may require him to give a new bond to their satisfaction. When it is given and accepted, such surety or his legal representatives are not liable for any neglect or misdoings thereafter.

R.S.1954, c. 89, § 148.

§ 908. Salaries

The sheriffs of the several counties shall receive annual salaries as set forth in section 2, 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 performance 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.1954, c. 89, § 149; 1959, c. 372, § 5.

ARTICLE 3. DEPUTIES

§ 951. 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 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 Title 29, section 2121, 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.1954, c. 89, § 151; 1959, c. 271.

§ 952. 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 Title 25, chapter 61, 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.1954, c. 89, § 152; 1955, c. 393; 1959, c. 179.

§ 953. Notification of appointment; compensation

Any sheriff appointing such special deputy sheriffs shall notify the clerk of courts and the county commissioners for the county in which such appointments are made, giving the names of such deputies and the date of their appointments, and the county commissioners shall fix and order paid from the treasury of the county to such deputies a reasonable compensation, not exceeding the per diem compensation to deputy sheriffs for attending court, together with actual and necessary expenses incurred in the performance of duty.

R.S.1954, c. 89, § 153; 1961, c. 15.

§ 954. Chief deputy

Subject to section 951, the sheriff in each county shall, as soon as may be after he takes office, appoint a chief deputy to serve under him, who shall have all the powers and duties of a deputy sheriff and who shall be subject to the direction of the sheriff in the administration of his office.

R.S.1954, c. 89, § 155.

§ 955. —Bond; approval and filing

Every person appointed chief deputy under section 954 shall give bond to the Treasurer of State before receiving his commission with at least 3 sufficient sureties, or with the bond of a surety company authorized to do business in this State as surety, in such sum as the county commissioners of his county shall require, conditioned for the faithful performance of the duties of his office and to answer for all neglect and misdoings of the deputies in said county during such time as he shall serve in the period of a vacancy in the office of sheriff. Said bond shall be filed and approved in the same manner as is required for the bond of a sheriff under section 902, and all of said section shall apply to the bond of such chief deputy.

R.S.1954, c. 89, § 156.

§ 956. —Powers during vacancy in sheriff's office

In the event of a vacancy in the office of sheriff by reason of death, resignation or otherwise, said chief deputy shall have and exercise the same rights and powers and be subject to the same duties and liabilities as a sheriff until the vacancy in the office of sheriff shall have been filled as provided in the Constitution and the new sheriff shall have qualified according to law.

R.S.1954, c. 89, § 157.

§ 957. Powers of other deputies during vacancy

During the vacancy in the office of sheriff, all other deputies of the sheriff vacating the office shall continue to have and exercise the powers and duties of deputy sheriffs and shall be subject to the direction and control of said chief deputy in the same manner and to the same extent as if he were sheriff.

R.S.1954, c. 89, § 158.

§ 958. Full-time deputies in all counties; compensation

The sheriffs of all counties shall respectively appoint full-time deputy sheriffs, who shall serve at the pleasure of said respective sheriffs and whose special duty shall be to enforce the criminal laws in said counties and who shall receive as compensation therefor the sum of \$12 per day and such additional pay as the respective county commissioners may approve, to be paid from the respective county treasuries, 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 Title 15, section 1902. Such full-time deputy sheriffs shall not receive more than \$84 and chief deputies shall not receive more than \$91 in the aggregate for any one week, except that this limitation shall not apply to Cumberland County and York County.

R.S.1954, c. 89, § 173; 1959, c. 326; 1961, c. 358; 1963, c. 330, § 4.

ARTICLE 4. DUTIES

§ 1001. Obedience to Governor's orders

Sheriffs shall obey all such orders relating to the enforcement of the laws as they from time to time receive from the Governor.

R.S.1954, c. 89, § 154.

§ 1002. Aid required by officer; refusal

Any officer, in the execution of the duties of his office in criminal cases, for the preservation of the peace, for apprehending or securing any person for the breach thereof or in case of the escape or rescue of persons arrested on civil process, may require suitable aid therein. Any person so required to aid, who neglects or refuses to do so, forfeits to the county not less than \$3 nor more than \$50, and if he does not forthwith pay such fine, the court may imprison him for not more than 30 days.

R.S.1954, c. 89, § 201.

§ 1003. Officer to pay money collected

Any officer, who unreasonably neglects or refuses, on demand, to pay money received by him on execution to the person entitled to it, shall pay 5 times the lawful interest thereon so long as he so retains it.

R.S.1954, c. 89, § 204.

ARTICLE 5. FEES

§ 1051. Fees

Sheriffs and their deputies shall receive the following fees:

1. Civil process. For service of all writs or complaints with summons, precepts, notices, executions, court orders, orders of service, copies and all other civil process or papers requiring service which are not specifically hereinafter enumerated, they shall receive therefor \$3 for each such service and \$5 if such service is required to be made in hand.

1957, c. 339; 1961, c. 317, § 233; c. 357; c. 417, § 173; 1963, c. 207, § 1.

2. Disclosure petition; subpoena. For the service of subpoena, petition and subpoena for disclosure before commissioner or for the service of citation by copy to creditor as provided by Title 14, chapters 503 and 505, \$5.

1957, c. 339; 1961, c. 357.

3. Complaint for divorce. For the service of complaint for divorce with writ of attachment by serving summons and attested copy of writ and complaint, or for the service of complaint for divorce with order of court thereon by attested copy, \$5.

1957, c. 339; 1961, c. 317, § 233.

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

5. Attachment of personal property; replevin. For attachment of personal property or for the service of writ of replevin, \$6, and in addition thereto \$1.50 for each hour after the first required for such service.

1957, c. 339; 1961, c. 357; 1963, c. 207, § 2.

6. Civil arrests and custody. The fee for civil arrests shall be \$3 for such arrest and \$3 shall be charged for custody thereunder, including arrest and custody under bastardy proceedings.

1961, c. 357.

7. Tax summons and warrants. For service of tax summons and arrest under tax warrants the same as for service of civil process.

8. Executions in personal actions. For levying and collecting executions in personal actions, 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¢.

9. Redeeming mortgaged real estate. For advertising in a newspaper a right in equity of redeeming mortgaged real estate to be sold on execution, such sums as he pays the printer therefor; for posting notice of the sale of such equity in the town where the land lies and in 2 adjoining towns, \$6 and usual travel, and for a deed and return of the sale of such equity, \$3.

1961, c. 357.

10. Search for persons to serve. Sheriffs and their deputies shall make a charge of \$1, plus necessary travel, for making diligent search for persons upon whom they are commanded to serve civil process when such party cannot be located at an address given to said sheriff or his deputy by the plaintiff or his attorney when commanding such service to be made.

11. Travel. In addition to the fees so charged for service, travel shall be charged at the rate of 20¢ a mile from the officer's place of abode to the place of service.

12. Warrant; mittimus. For the service of a warrant, the officer is entitled to \$2 and \$2 for the service of a mittimus to commit a person to jail and usual travel, except as limited by Title 15,

section 1363, and his reasonable expenses incurred in the conveyance of such prisoner.

1963, c. 340, § 2.

13. Aid in criminal cases. For each aid necessarily employed in criminal cases, including expenses, compensation at the prevailing rate per day for deputy sheriffs, and in that proportion for a longer or shorter time and 10¢ a mile for travel in going out and returning home, if necessary to travel by common carrier.

14. Attending court and keeping prisoner. For attending court and keeping the prisoner in criminal cases, \$12 a day, and in that proportion for a greater or shorter length of time.

1959, c. 328, § 1; 1963, c. 330, § 1.

15. Attendance upon Supreme Judicial and Superior Courts. Every deputy sheriff and court messenger, while in actual attendance upon a session of the Supreme Judicial Court or the Superior Court in their respective counties, except as provided in Title 4, section 56, shall receive \$12 a day, plus actual travel at 16¢ a mile from their place of residence for each day's attendance.

1955, c. 267; 1959, c. 328, § 3; 1961, c. 308, § 2; 1963, c. 330, § 2.

16. Special duties. Every deputy sheriff while performing special duties under order of the sheriff shall receive for such services \$12 a day, together with necessary, incidental expenses, to be paid from the county treasury, the bills for which shall be audited as provided in Title 15, section 1902. Such officers shall not be entitled to fees for any services rendered in criminal matters while acting as per diem officers. A chief deputy performing similar special duties shall receive an additional \$1 per day.

1959, c. 328, § 2; 1961, c. 285; 1963, c. 330, § 3.

17. Levy on real estate. The fees of the register of deeds for recording a levy upon real estate or the deed of the officer for the sale of real estate on execution and all sums paid by the officer for internal revenue stamps to be affixed to such deeds shall be taxed by the officer in his return. Every officer making levy on real estate by appraisal shall cause the execution and his return thereon to be recorded by the register of deeds for the district where the land lies within 3 months after such levy.

18. Attesting copies of writs. No fee shall be charged by any sheriff or deputy sheriff for attesting copies of any writ.

19. Sales or use tax warrant. For the services of a sales or use tax warrant and arrest as provided by Title 36, sections 1959 to 1962, 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.1954, c. 89, § 150; 1955, c. 267; 1957, c. 339; 1959, c. 190, § 3; c. 328, §§ 1-3; 1961, c. 285; c. 308, § 2; c. 317, § 233; c. 357; c. 417, § 173; 1963, c. 207; c. 330, §§ 1-3; c. 340, § 2.

§ 1052. Fees from deputies

No sheriff shall receive from any of his deputies any of the fees earned by said deputies or any percentage thereon.

R.S.1954, c. 89, § 170.

§ 1053. Collection and accounting for fees

All fees chargeable under the statutes of the State for the performance of any of the duties prescribed in section 908 shall be charged and collected by said sheriffs as now provided by law and an accurate account thereof and of those specified in section 1054 kept and transmitted to the county treasurer on the last days of March, June, September and December annually, and the amount deducted from the quarter's salary for the quarter then ending. If such fees are in excess of the amount of salary then due the sheriff, he shall pay said excess to the county treasurer, and no county treasurer shall pay any quarter's salary until said statement shall have been filed.

R.S.1954, c. 89, § 171.

§ 1054. Disposal of fees collected from other counties

For all prisoners committed from other counties or from any court of the United States and for all other persons confined for debt and on other civil processes, the said sheriffs shall collect the same fees for their entire support as are now provided by law or may be fixed by the county commissioners under the authority vested in them by statute, and include the same in the statement provided for in section 1053, and the same shall be deducted from the salary as prescribed. They shall not make any charge or col-

lect any fees for the support of prisoners committed on criminal process from any court in the county in which said jail is situated.

R.S.1954, c. 89, § 172.

ARTICLE 6. ACTIONS AGAINST SHERIFFS

§ 1101. Persons injured sue on sheriff's bond; 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 civil action 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 civil action 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. The party's name for whom the action 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 action was brought.

R.S.1954, c. 89, § 164; 1959, c. 317, § 46; 1961, c. 317, § 234.

§ 1102. 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.1954, c. 89, § 165; 1959, c. 317, § 47.

§ 1103. 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 defend-

ant 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.1954, c. 89, § 166; 1959, c. 317, § 48.

§ 1104. 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.1954, c. 89, § 167; 1959, c. 317, § 49.

§ 1105. Exemption from arrest in civil action; proceedings on failure to pay execution; office vacated

No sheriff shall be arrested upon any writ or execution in a civil action; but when a judgment is rendered against him in his private or official capacity, the execution thereon shall issue against his property but not against his body. He may, after notice that such execution has issued, unless upon a judgment for his own official delinquency, cite the creditor and make disclosure of the actual state of his affairs in the manner provided for poor debtors arrested upon execution. If the execution is returned unsatisfied and he has not made such disclosure or if the judgment was rendered for his own official delinquency, the creditor may file an attested copy of such execution and return with the Governor and Council, and serve on such sheriff a copy of such copy, attested by the Secretary of State, with a notice under his hand of the day on which such first copy was filed. If such sheriff does not, within 40 days after such service, pay the creditor his full debt with reasonable costs for copies and service thereof, he thereby vacates his office. When he ceases to be sheriff, the clerk may issue alias executions against his property and body, as in other cases.

R.S.1954, c. 89, § 169.

§ 1106. Copy of bond available; evidence

The Treasurer of State shall deliver an attested copy of a sheriff's bond to anyone applying and paying for it, which shall be competent evidence in any case relating thereto, unless its execution is disputed, in which case the court may order the treasurer to produce it in court for the purposes of the trial.

R.S.1954, c. 89, § 168.

§ 1107. Survival of actions against sheriff or deputy

Actions for the neglect or misdoings of a sheriff or his deputies survive the sheriff and may be brought against his executors or administrators.

R.S.1954, c. 89, § 163.