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DOCUMENTS

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LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

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1868.

FORTY-SEVENTH LEGISLATURE.

SENATE. No. 11.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT.

AN ACT providing for the equalization of municipal war debts and a limited assumption and reimbursement thereof by the state.

WHEREAS, the several cities, towns and plantations in the State of Maine, in responding to the calls of the president for their quotas of troops during the late war for the preservation of the national existence, were called upon to pay large bounties to those of their fellow-citizens who enlisted in defence of the men and property of the nation; and whereas, in consequence of these quotas having been furnished on the basis of population within the military ages, many of the smaller and poorer towns are unequally burdened by debts thus incurred for the common defence; and

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whereas the legislature of Maine, by a resolve approved March twenty-fifth, in the year of our Lord one thousand eight hundred and sixty-four, recognizing the justice of equalizing these burdens so far as practicable, declared that the state should assume some portion of such debts; therefore,

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECTION 1. Each city, town and plantation shall receive from the state one hundred dollars for every man furnished for the military service of the United States towards its quota for the term of three years under the call of the president of July second, eighteen hundred and sixty-two, and all subsequent calls, and in the same proportion for every man so furnished and accepted for any shorter period; and for every man furnished and accepted before said call of July second, eighteen hundred and sixty-two, for the term of three years, to whom one hundred dollars or more of municipal bounty was paid during the war, one hundred dollars shall be reimbursed by the state to the municipality which paid it, in manner as hereinafter provided.

SECT. 2. The governor and council shall appoint a commission of three persons of ability, who shall be qualified by oath before the governor and council, and who shall audit the claims of cities, towns and planta-

tions for reimbursement under this act, with power to send for persons and papers, and they shall meet at such place or places as they may find convenient for the thorough investigation of each of said claims, and their decision shall be final and without appeal.

SECT. 3. Whenever said commission shall determine what amount any city, town or plantation is entitled to be reimbursed under the provisions of this act, they shall issue a certificate thereof under their hands to said city, town or plantation; and whenever said certificate shall be presented to the state treasurer by some duly authorized agent thereof, then the said treasurer shall issue to said city, town or plantation the bonds of the state, as herein provided, with the fractional excess less than one hundred dollars in currency. Or if any city, town or plantation shall elect to receive the value of its said bonds in currency, then the said treasurer shall sell the same on account of said city, town or plantation, and pay to the same the net proceeds of said sale.

SECT. 4. The treasurer of state, with the advice of the governor, is hereby authorized to procure on the faith of the state, a loan or loans of three million five hundred thousand dollars, or so much thereof as may be needed for the payment of such sum as the cities, towns and plantations may be entitled to be reimbursed

under this act. Said bonds to be dated January first, in the year of our Lord one thousand eight hundred and sixty-nine, reimbursable in twenty years from that date, and bearing interest at the rate of six per cent. a year, payable both principal and interest in Boston; and the treasurer is hereby authorized to issue bonds therefor in sums not less than one hundred dollars each, with coupons for the interest, payable semi-annually. Each bond aforesaid, shall be signed by the treasurer, countersigned by the governor and attested by the secretary of state, with the seal of the state, but the coupons shall be signed by the treasurer, or by some person duly authorized by him, or the name of the treasurer may be engraved on said coupons as the governor and council shall direct. And the treasurer may advertise for proposals for any or all of the loans hereinbefore named in such papers as he shall deem expedient.

SECT. 5. There shall be raised by taxation each year, commencing with eighteen hundred and sixty-nine, a sum equal to two mills on every dollar of the present state valuation, to be assessed and collected at the same time and in the same manner as the usual state tax and in addition thereto; and the sum so raised is hereby pledged and shall be held as a sinking fund to be invested as hereinafter provided and applied

to the payment of the principal of the bonds issued by the authority of the fourth section of this act. The state treasurer, with the advice of the governor, shall from time to time, as said tax shall be received into the treasury, invest the same, as well as the income of said fund as it shall accrue, in any of the bonds of this state or the bonds of the United States; and the proceeds of such investments, as they fall due and are paid into the treasury, shall be reinvested in like manner and be held by said treasurer for the purposes mentioned in said fourth section of this act. The treasurer shall keep a register of all the investments made by him as herein provided, showing the date, amount and number of each bond, by whom issued and when it will mature; and in his annual report he shall include an exhibit of the amount and condition of said sinking fund.

SECT. 6. No towns or plantations which furnished their quotas as aforesaid without the payment of any bounty or by the payment of a less aggregate bounty than the sum reimbursable under this act, shall be entitled to receive the certificate provided by section third, until they shall have furnished the commission with a certified copy of a vote of such towns or plantations appropriating the sum to which they would be entitled or the surplus of the same above the amount

actually paid out, to the soldiers who enlisted to fill such quotas or their legal representatives.

SECT. 7. All payments received by any city, town or plantation, under the provisions of this act, shall be deemed as relieving the state from all further claims on account of their respective "war debts," and the same shall be applied to the extinguishment of the indebtedness of said municipalities incurred prior to the passage of this act and for no other purpose; but whenever any such municipality shall not be indebted at such time to the amount it may receive from the state as herein provided, it shall apply such portion thereof as may be sufficient for the liquidation of its indebtedness; and is authorized to make such disposition of the remainder as such municipality may determine.

SECT. 8. The commissioners shall report their doings at any time when requested by the governor and council, and shall make a final report of all their doings as soon as may be, during the year one thousand eight hundred and sixty-nine, to the said governor and council.

SECT. 9. Said commissioners are authorized to choose a clerk who shall be by them sworn, and shall keep a full record of their proceedings. They are also author-

ized to administer oaths and affirmations to municipal officers and other persons.

SECT. 10. Any person wilfully and corruptly swearing or affirming falsely to any material matter, before said commissioners or either of them, shall be deemed guilty of perjury and punished by imprisonment not less than one nor more than five years; and any person procuring another to commit perjury before said commissioners or either of them shall be punished in like manner; and if any person shall wilfully and corruptly endeavor to incite or procure another to commit perjury before said commissioners, or either of them, though it is not committed, he shall be punished by imprisonment not less than six months nor more than two years. And any person who shall falsely make, alter, forge or counterfeit any certificate, endorsement or signature of said commissioners, or either of them, or of their clerk, or with intent to defraud shall falsely make, alter, forge or counterfeit any public record or proceeding, or any paper, writing or document filed with or presented to them or either of them, and any person uttering and publishing as true any instrument before mentioned, knowing it to be false, forged or counterfeit, shall be punished by imprisonment not less than one nor more than five years.

SECT. 11. To defray the expenses incurred in the execution of this act, the governor is hereby authorized and directed to draw his warrant from time to time, for said expenditures, provided they are audited and allowed by the governor and council.

SECT. 12. This act shall be published by the secretary of state in some newspaper in every county where a newspaper is printed, for three successive weeks immediately previous to the annual election in September next, with the resolves of this legislature "providing for an amendment of the constitution so as to authorize a limited reimbursement of municipal war expenditures by loaning the credit of the state."

SECT. 13. Sections twelve and thirteen of this act take effect when the act is approved by the governor, and the remaining sections shall take effect on the first day of November, eighteen hundred and sixty-eight; but if it shall not appear by the proclamation of the governor as provided in the resolves herein before named, that a majority of the inhabitants voting on the question proposed in said resolves are in favor of the amendment proposed therein, and that said amendment has become part of the constitution, then said sections from one to eleven, inclusive, of this act shall be inoperative and void.

STATE OF MAINE.

RESOLVES providing for an amendment of the constitution so as to authorize a limited reimbursement of municipal war expenditures by loaning the credit of the state.

Resolved, Two-thirds of both houses concurring that the following be proposed as an amendment of the constitution of this state, which, when approved and adopted in the manner provided by the constitution, shall become a part thereof, viz :

ARTICLE XI.

The state is authorized to issue bonds payable within twenty-one years, at a rate of interest not exceeding six per cent. a year, payable semi-annually, which bonds or their proceeds shall be devoted solely towards the reimbursement of the expenditures incurred by the cities, towns and plantations of the state for war purposes during the rebellion, upon the following basis : Each city, town and plantation shall receive from the state one hundred dollars for every man furnished for the military service of the United

States under and after the call of July second, eighteen hundred and sixty-two, and accepted by the United States towards its quota for the term of three years, and in the same proportion for every man so furnished and accepted for any shorter period; and for every man furnished and accepted before said call, for the term of three years, to whom one hundred dollars or more of municipal bounty was paid during the war, one hundred dollars shall be reimbursed by the state to the municipality which paid it. A commission appointed by the governor and council shall determine the amount to which each city, town and plantation is entitled; to be devoted exclusively towards the payment of its corporate debt, if such debt exists. The issue of bonds hereby authorized shall not exceed in the aggregate three million five hundred thousand dollars, and this amendment shall not be construed to permit the credit of the state to be directly or indirectly loaned in any other case or for any other purpose.

Resolved, That the aldermen of cities, the selectmen of towns and the assessors of plantations are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations, in the manner prescribed by law, at their next annual meetings in September, to give in their votes on the amend-

ment proposed in the foregoing resolve, and the question shall be, "Shall the constitution be amended so as to authorize the assumption of municipal war debts by loaning the credit of the state to an amount not exceeding in the aggregate three million five hundred thousand dollars, as proposed by a resolve of the forty-seventh legislature?" And said inhabitants shall vote by ballot on said question, those in favor of said amendment expressing it by the word "YES," and those opposed to the amendment expressing it by the word "No"; and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings, and lists of the votes shall be made out by the aldermen, selectmen and assessors, and clerks of said cities, towns and plantations, in the same manner as votes for senators, and shall be returned into the office of the secretary of state within twenty days after said election. And the governor and council shall forthwith, after the expiration of said twenty days, examine and count said votes, and if it shall appear that a majority of the inhabitants voting on said question are in favor of the proposed amendment, it shall become part of the constitution. And the governor shall thereupon issue his proclamation, making known the fact.

Resolved, That the secretary of state shall prepare and furnish the several cities, towns and plantations, blank returns in conformity to the foregoing resolves, with a copy thereof; also a copy of the question submitted, printed in large type.

STATE OF MAINE.

IN SENATE, February 5, 1868.

Reported by Mr. STETSON, from the Joint Select Committee on Assumption of Municipal War Debts; bill and resolves each read once, and on motion of the same Senator laid on the table and five hundred copies ordered to be printed.

THOMAS P. CLEAVES, *Secretary.*