

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

SENATE

NO. 29

In Senate, January 22, 1919.

Referred to Committee on Judiciary and 1000 copies ordered printed. Sent down for concurrence.

P. F. CRANE, Secretary.

Presented by Senator Deering of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND NINETEEN

AN ACT to supplement chapter 29 of the Revised Statutes
and to provide for the care of persons requiring full sup-
port, or more than temporary relief.

DISTRICTS AND THEIR PURPOSES.

Sect. 1. Number of districts, certain cities excepted.

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BOARD OF DIRECTORS.

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Sect. 14. Location of home and infirmary.

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MISCELLANEOUS PROVISIONS.

Sect. 27. Children not to be kept in homes and infirmaries for adults.

Sect. 28. Financial interest of trustees, directors and employees in affairs of district prohibited.

Sect. 29. Penalty for neglect of duty.

Sect. 30. Repeal of inconsistent laws.

Be it enacted by the People of the State of Maine, as follows :

Section 1. In each of the several counties of the state the
2 cities, towns and plantations situated therein, having a pop-
3 ulation of less than twenty thousand, are hereby united
4 into a district charged with the responsibility of providing
5 for those persons entitled to relief under the provisions of
6 chapter 29, revised statutes, who require full support or
7 more than temporary care, but nothing herein contained
8 shall be construed as in any way changing, amending or
9 repealing any existing laws providing for the manner in
10 which cities having a population of twenty thousand or
11 more and the several officials thereof shall discharge the
12 duties and responsibilities placed upon them by the pro-

visions of said chapter 29, or by any special provisions of their respective charters.

The word "population" as used in this and the succeeding sections of this chapter shall mean the population as determined by the most recent decennial census of the United States.

Sect. 2. Each of said districts shall provide for the care of the persons entitled to relief under the provisions of this chapter either in a district home and infirmary maintained for the purpose, in the home and infirmary of an adjoining district or city or in such other manner as the special circumstances of the case may require.

Sect. 3. The annual cost to each district of providing care for persons entitled to relief under the provisions of this chapter, and of maintaining any buildings required for the purpose, including the purchase of land, or the purchase or construction of new buildings and attached fixtures or additions thereto, shall be apportioned among the several cities, towns and plantations not taxed as wild lands comprising the district in proportion to their respective valuations. The trustees of each district shall have authority, however, from time to time, if in their judgment it seems wise to do so, to fix a uniform price per week, not exceeding one-half of the estimated average weekly per capita cost of maintaining the person supported by the district and the up-keep of any buildings required for the purpose, to be paid to the district by each city, town or plantation thereof,

16 for the support by the district of persons who have settle-
17 ment in any such city, town or plantation. The word “val-
18 uation” in this and the preceding section shall mean the
19 most recent valuation made by the Board of State Assessors.

Sect. 4. Any city or town not made a part of any dis-
2 trict by the terms of this act may accept the provisions of
3 the same, in the case of towns by vote at an annual meet-
4 ing, and in the case of cities by vote of the city government,
5 and the city or town clerk shall forthwith cause a certified
6 statement of such vote of acceptance to be filed with the
7 board of trustees of the district within or adjoining the
8 area of which said city or town is situated. The provisions
9 of this act shall become effective as regards any such city
10 or town, on the first day of April following the date when
11 the conditions of sections 4 and 5 of this act shall have been
12 complied with.

Sect. 5. Any city or town which may vote to accept the
2 provisions of this act after organization of the district
3 within or adjoining whose area said city or town is situated,
4 shall pay to said district such part of the original cost to the
5 district of any land and buildings owned and used by said
6 district for a home and infirmary as may be agreed upon
7 between the board of trustees and the municipal officers of
8 said city or town.

Sect. 6. Should the municipal officers of any city, town
2 or plantation and the board of trustees of any district fail
3 to agree as to the sum to be paid to the district by the city,

4 town or plantation under the provisions of sections 4 and
5 5, the same shall be determined by a board of three referees,
6 one to be chosen by the board of trustees or by their author-
7 ity, one by the municipal officers of the city, town or plan-
8 tation or by their authority, and one by the chief justice of
9 the Supreme Judicial Court of the State.

Sect. 7. Any city, town or plantation forming a part of
2 any district created by this act which desires to be set off
3 from the district of which it is a part and to be attached
4 to an adjoining district, in the case of towns and planta-
5 tions, pursuant to a vote at the annual meeting, and in the
6 case of cities, pursuant to vote of the city government, may
7 file a written request with the board of trustees of each of
8 the districts concerned, and upon approval of the same by
9 said boards at their annual meeting, the change shall be-
10 come effective when and as specified in section 4. The board
11 of trustees of the district from which the city, town or plan-
12 tation is detached may, in their discretion, fix a sum to be
13 paid to said city, town or plantation as its proportional part
14 of the current value of any land and buildings owned by the
15 said district.

Sect. 8. The general management of the affairs of each
2 of said districts shall be vested in a board of trustees which
3 shall consist of the overseer of the poor or the chairman of
4 the board of overseers of the poor ex-officio, of each of the
5 several cities, towns and plantations comprising the dis-
6 trict, provided that cities and towns having a population of

7 more than three thousand shall be entitled to one additional
8 trustee for each three thousand of population or major frac-
9 tion thereof, to be chosen in such manner as the city or
10 town may determine.

Sect. 9. Said boards of trustees shall meet annually in
2 February at the home and infirmary of their respective dis-
3 tricts, if any, and otherwise at the Court House of the coun-
4 ty in which the district is situated, on such day and hour
5 as the board may from time to time determine, then and
6 there to elect by majority vote, the members of a board of
7 directors to perform the duties hereinafter specified, and to
8 fix the amount of money necessary to be raised by taxation
9 to carry out the purposes of this act for the fiscal year be-
10 ginning on the first day of April next ensuing.

Sect. 10. Said board of trustees at their annual meetings
2 shall elect from their own numbers a chairman and two
3 vice-chairmen. They shall also elect a secretary, who shall
4 be duly sworn to the faithful performance of his duties, and
5 who may or may not be one of their own numbers. The
6 members of said boards of trustees shall be entitled to re-
7 imbursement from their respective districts for actual ex-
8 penses incurred in the performance of their duties as trus-
9 tees, but shall receive from the district no compensation,
10 either directly or indirectly.

Said boards of trustees shall have authority to establish
2 such by-laws not inconsistent with law as they may deem
3 necessary to carry out the purposes of this act.

Sect. 11. This act shall take effect for the organization
2 of the trustees, the election of directors and preparation
3 for carrying out its objects in each of the several districts
4 at a meeting of the board of trustees to be held at the
5 Court House of the county in which the district is situated
6 at eleven o'clock in the forenoon on the first Tuesday in
7 September, nineteen hundred and nineteen, and shall take
8 effect for the actual care of the persons entitled to relief on
9 the first day of April nineteen hundred and twenty. Said
10 meeting shall be for the purpose of organizing the trustees
11 into a permanent and effective body, and for such other pur-
12 poses as are specified in section 12.

Sect. 12. The boards of directors specified in section 9
2 shall consist of six persons, four men and two women, who
3 may or may not be members of the boards of trustees, but
4 who shall be residents of the district which they are to
5 serve. They receive no compensation from the district for
6 their services, but shall be entitled to reimbursement by
7 the district for actual expenses incurred in the performance
8 of their duties. They shall be elected for three-year terms
9 beginning on the first day of April following their election.
10 They shall be duly sworn to the faithful performance of
11 their duties, either by the secretary of the board of trus-
12 tees, or before any officer duly authorized to administer
13 oaths, and notation of the fact that they have taken the
14 oath of office shall be made by the secretary of the board
15 of trustees upon the records of the proceedings of said
16 board.

At the meeting for organization of the trustees, two members of the board of directors to be designated at the time of their election, shall be chosen to serve until the first day of April, nineteen hundred and twenty, and two members to serve until the first day of April, nineteen hundred and twenty-one, and two to serve until the first day of April, nineteen hundred and twenty-two.

Vacancies occurring on boards of directors by reason of death, resignation or otherwise, shall be filled by appointment by the chairman of the board of trustees to serve until the next annual meeting of the trustees. Vacancies existing at the time of said meeting shall be filled by election by the trustees for the unexpired portion of the term of the person whose place has become vacant.

Said boards of directors shall elect from their own number a president, and such other officers and such committees as they deem proper.

Sect. 13. Said boards of directors shall have the general superintendence, management and control of the home and infirmary of their respective districts, of the grounds and buildings, and of the officers and employees of the district and of the persons being supported thereby, and, subject to the provisions of law and of the by-laws of the trustees, of all matters relating to the government, discipline, contracts and fiscal concerns thereof. They shall have authority to establish such rules and regulations, including the times and places of meeting, not inconsistent with law and

11 the by-laws of their respective boards of trustees as may
12 seem necessary for carrying out any of the provisions of
13 this act which they are required to execute.

Sect. 14. Said board of directors shall have authority, in
2 accordance with the amount of funds made available there-
3 for by action of the board of trustees of the district, by
4 purchase of land and construction of buildings, or by lease
5 or purchase and alteration of existing structures, to pro-
6 vide a home and infirmary for the care of the persons speci-
7 fied in section 2 of this chapter, or to take such other ac-
8 tion as may be necessary to carry out the purposes of this
9 act. Any home and infirmary which may be established un-
10 der the provisions of this act shall be centrally and suitably
11 located, considering the means of transportation within
12 the district which it is to serve. The final acceptance of
13 the location shall be subject to the provisions of section 7,
14 of chapter 147, revised statutes, with reference to plans for
15 new buildings to be constructed for charitable institutions.
16 Where lease or purchase is made, said boards of directors
17 shall have the right, in so far as funds are available, to en-
18 large or otherwise adapt to the needs of the situation, and
19 such additions or improvements shall be considered perma-
20 nent.

Sect. 15. Should any of said boards of directors find it
2 desirable to use any existing municipal almshouse, work-
3 house, house of correction or poor farm as a district home
4 and infirmary, or as a temporary branch thereof, and be

5 unable to agree with the municipal officers of the city or
6 town as to the terms of purchase or lease, the terms of such
7 purchase or lease or other conditions under which the dis-
8 trict may make use of such municipal almshouse, work-
9 house, house of correction or poor farm shall be determined
10 by a board of three referees, one to be chosen by the said
11 board of directors, or by their authority, one by the mu-
12 nicipal officers of the city or town concerned, or by their
13 authority, and the other by the Chief Justice of the Supreme
14 Judicial Court of the State.

Sect. 16. Said boards of directors shall cause to be pre-
2 pared by their respective superintendents and to be presented
3 to their respective boards of trustees, at the annual meet-
4 ing in February of each year, with their recommendation
5 thereon:

(1) An annual report of the activities of their respective
2 districts for the year ending on the thirty-first day of De-
3 cember preceding, and

(2) An estimate of the amount of money required to be
2 raised by taxation,

(a) For all expenses incident to the care of the per-
2 sons entitled to support by their respective districts for the
3 year beginning on the first day of April next, including all
4 salaries and wages, except as noted under (b), and

(b) For all materials and supplies required for up-
2 keep of grounds, buildings and attached fixtures of the dis-
3 trict home and infirmary, and for all additions to and re-

4 pairs and replacements of furniture and equipment includ-
5 ing farming equipment and livestock and all personal ser-
6 vices rendered wholly in connection with repair work, and

(c) For any land, new buildings and attached fix-
2 tures or additions thereto which may be required for the
3 district home and infirmary.

Sect. 17. Said boards of trustees shall, at their annual
2 meeting, carefully consider said estimates, and shall, by
3 majority vote, make such revision of the amounts as they
4 deem proper. The superintendents of the several districts
5 shall then forthwith make the apportionment of said ap-
6 proved amounts among the several cities, towns and plan-
7 tations not taxed as wild lands comprising the district as
8 specified in section 3. A certified copy of such vote of ap-
9 proval, signed by the secretary of the board of trustees and
10 accompanied by a copy of the apportionment made and
11 signed by the superintendent, filed with the city, town or
12 plantation clerk of each city, town and plantation not taxed
13 as wild lands comprising the district shall be sufficient au-
14 thority and direction for the assessors of said city, town
15 or plantation to make assessment of the amounts appor-
16 tioned to their city, town or plantation at the same time
17 and in the same manner as other taxes are assessed, and
18 committed for collection. Said copy of said vote and ap-
19 portionment shall also be regarded as a valid demand by
20 the district against the city, town or plantation for money
21 due, and a requirement that the treasurer of the city, town

22 or plantation shall make payment of the same to the finan-
23 cial officer of the district at the earliest date when funds
24 are available therefor.

Sect. 18. Should the board of trustees of any district de-
2 termine that it is necessary to purchase land or to purchase
3 or erect new buildings or additions thereto for the home
4 and infirmary of the district, the cost of which would re-
5 quire a tax rate of more than one-fourth of one mill for
6 said purposes they may divide the same into such number
7 of equal parts not exceeding twenty, as they may deem
8 proper and they shall cause one such part to be apportioned,
9 assessed and collected each year. When any such estimate
10 is approved and divided by the trustees as aforesaid the
11 board of directors of the district shall have authority to
12 borrow the full amount of the approved estimate, or so
13 much thereof as may be necessary and to issue bonds of
14 the district payable upon such terms as they may deem
15 proper as security therefor. Boards of directors shall also
16 have authority to negotiate, or to authorize the superintend-
17 ent to negotiate, temporary loans in anticipation of pay-
18 ments by cities, towns and plantations of apportionments of
19 approved estimates as specified in section 16.

Sect. 19. Should any city, town or plantation fail to pay
2 its apportionment of a duly approved and assessed esti-
3 mate on or before the thirtieth day of September of any
4 year, the board of directors of the district may recover the
5 same in an action of debt in the name of the district.

Sect. 20. Each of said boards of directors shall appoint
2 a superintendent, not one of its members, who shall be, ex-
3 officio, clerk of the board, and shall hold office during its
4 pleasure and who shall be chosen wholly because of his ex-
5 perience, character, ability and fitness for the position. Each
6 board shall fix the compensation of its superintendent and
7 of all other employees of the district. Members of the board
8 of trustees and board of directors shall not be eligible for
9 appointment as superintendent of their district during the
10 term for which they are elected. Each of said boards of
11 directors shall meet annually in February at such time and
12 place as it may determine, and at such other times as it may
13 deem necessary and shall have authority by appropriate
14 committees or orders to its superintendent to provide for
15 carrying on the business of the district when the board is
16 not in session.

Sect. 21. The superintendent of each district shall, sub-
2 ject to the direction of the board of directors,

1. Have the general supervision and control of the
2 grounds and buildings of the district, the subordinate offi-
3 cers and employees thereof, and the persons cared for there-
4 by, and all matters relating to their government and disci-
5 pline.

2. Make such rules, regulations and orders, not incon-
2 sistent with law, or the rules, regulations and directions of
3 the boards of trustees and directors as may seem to him
4 proper or necessary for the government of its officers and

5 employees, and for the care, employment and discipline of
6 the persons in his charge.

3. Act as the agent of the board in providing care for
2 the persons entitled thereto and in the preparation of its
3 reports.

4. Shall be its financial and purchasing officer, shall give
2 bond to the district for such sum as the board of directors
3 shall determine, and subject to their approval, the cost of
4 the same to be paid by the district, for the faithful perform-
5 ance of his duties, shall receive all money or property due
6 the district and safely keep and account for the same, and
7 shall pay all expenses incurred for or in behalf of the dis-
8 trict by the board of trustees or directors or by himself act-
9 ing under their direction.

5. Shall have the power to appoint and remove all sub-
2 ordinate officers and employees of the board of directors or
3 the district.

6. Exercise such powers and perform such other duties
2 as the board of directors may prescribe.

Sect. 22. Whenever it shall appear to the overseers of
2 the poor of any city, town or plantation forming a part
3 of one of the districts created by this act that any person
4 in their town requires full support or more than temporary
5 care, they shall forthwith notify the superintendent of the
6 district, who shall provide the required care, including the
7 cost of transportation to the place where the care can best
8 be given. Should the overseers of the poor and the said

9 superintendent differ in opinion as to whether the care ought
10 to be provided by the overseers of the poor at the expense
11 of the city or town under the provisions of chapter 29, re-
12 vised statutes, or by the superintendent at the expense of
13 the district under the provisions of this act, the matter shall
14 be referred to the board of directors of the district for de-
15 cision, and pending such decision, care shall be provided by
16 the superintendent.

Sect. 23. It shall be the duty of the superintendent of any
2 district, whenever in his opinion any person being cared for
3 by the district is able to support himself or can be properly
4 cared for by his responsible relatives as defined in section
5 18 of chapter 29, revised statutes, to discontinue the sup-
6 port or assistance being given to such person, and to notify
7 the overseers of the poor of the town of settlement, if any,
8 or such state official as the Governor and Council may have
9 directed. Superintendents of districts shall endeavor to find
10 suitable employment for persons under their care who may
11 by reason of such employment cease to need support from
12 the district, and may in their discretion cause the expense
13 of transportation of said persons to the place where such
14 employment awaits them to be paid by their respective dis-
15 tricts.

Sect. 24. Superintendents of districts shall endeavor to
2 provide suitable employment, adapted to their strength, for
3 the inmates of the home and infirmary under their charge
4 who are able to labor and shall have authority to require

5 that all such persons shall apply themselves with reason-
6 able diligence at the tasks to which they are set.

Sect. 25. Each of the districts created by this act, and
2 each city not a part of a district shall be reimbursed by
3 any district, or any city which is not a part of a district, for
4 any expenses incurred for the care of any person having
5 settlement in any such other city or in a city, town or plan-
6 tation forming a part of any such other district upon notice
7 to the overseers of the poor of such city or the superin-
8 tendent of such district as specified in section 3 of chapter
9 29 of the revised statutes. Such notice shall state the full
10 name of the person cared for and such other facts as may
11 be relied upon by the city or district to prove settlement.
12 Said districts shall be entitled to reimbursement from the
13 state for the care of persons without settlement in any city
14 or town in the state in the same manner as is now or may
15 hereafter be provided by law for the reimbursement of cities
16 and towns.

Sect. 26. Said districts shall have the same rights and du-
2 ties as to removal of persons having settlement in their re-
3 spective cities, towns and plantations and requiring support
4 by said districts as is now or may hereafter be provided by
5 law in the case of cities and towns.

Sect. 27. The provisions of section 57 of chapter 64 of
2 the revised statutes and acts amendatory thereto relative
3 to the placing and keeping of children in almshouses shall
4 apply to any home and infirmary for adults maintained by
5 the district created by this act.

Sect. 28. No member of any board of trustees or directors during the term for which he is elected and no officer, employee or any agent thereof, shall be directly or indirectly financially interested in any contract for the purchase of land or the building or repairing of any district home and infirmary or for furnishing supplies, material or services for the district.

Sect. 29. Any official or person who shall wilfully fail, neglect or refuse to perform any of the duties imposed upon him by the provisions of the act shall be fined not more than five hundred dollars or be imprisoned not more than six months.

Sect. 30. All acts and parts of acts inconsistent herewith are hereby repealed.