

# MAINE STATE LEGISLATURE

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NEW DRAFT

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SEVENTY-NINTH LEGISLATURE

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SENATE

NO. 188

In Senate, March 10, 1919.

Reported by Mr. Deering from Committee on Judiciary and  
laid on table to be printed under joint rules.

P. F. CRANE, Secretary.

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STATE OF MAINE

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

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AN ACT to Supplement Chapter Twenty-nine of the Revised  
Statutes and to Provide for the Care of Persons Requiring  
Full Support, or More than Temporary Relief.

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Be it enacted by the People of the State of Maine, as follows:  
DISTRICTS AND THEIR PURPOSES.

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

Sect. 2. What persons entitled to care.

APPORTIONMENT OF COSTS.

Sect. 3. As between the several towns in the district.

ADDITIONS TO OR CHANGES IN DISTRICTS.

Sect. 4. Cities not originally included may be added.

Sect. 5. Payments toward cost of buildings already con-  
structed by district.

Sect. 6. Board of referees to adjust amount of such payments.

Sect. 7. Change of towns from one district to another.

#### BOARD OF TRUSTEES.

Sect. 8. How constituted, members of.

Sect. 9. Annual meeting, election of directors, other business.

Sect. 10. Officers, compensation, expenses, by-laws.

Sect. 11. Organization, act effective, first meeting.

#### BOARD OF DIRECTORS.

Sect. 12. Number, compensation, expenses, term of office, vacancies, officers.

Sect. 13. Duties in general, rules and regulations.

Sect. 14. Location of home and infirmary.

#### ANNUAL REPORTS, ESTIMATES AND ASSESSMENTS.

Sect. 15. Annual reports and estimates of funds required.

Sect. 16. Approval and apportionment of estimates by trustees and assessment and collection of same.

Sect. 17. Estimates of funds required for new buildings, loans.

Sect. 18. Failure of towns to pay apportionment.

#### SUPERINTENDENTS.

Sect. 19. Election, qualifications.

Sect. 20. Duties in general.

Sect. 21. Admission of poor persons to care, how accomplished.

Sect. 22. Discharges from care.

Sect. 23. Employment of inmates of home and infirmary.

#### SETTLEMENTS.

Sect. 24. Reimbursements for care of persons having settlement in other districts or without settlement.

Sect. 25. Removals to other districts.

#### MISCELLANEOUS PROVISIONS.

Sect. 26. Children not to be kept in homes and infirmaries for adults.

Sect. 27. Financial interest of trustees, directors and employees in affairs of district prohibited.

Sect. 28. Penalty for neglect of duty.

Sect. 29. 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, 2 the cities, towns and plantations situated therein, or a majority thereof, are hereby authorized to form a district 3 composed of the cities, towns and plantations in said county 4 which have accepted the provisions of this act in the manner specified in section 11, said district to be charged with 5 the responsibility of providing for all persons entitled to 6 relief under the provisions of chapter twenty-nine, revised 7 statutes, who require full support or more than temporary 8 relief.

Sect. 2. Each of said districts shall provide for the care 2 of the persons entitled to relief under the provisions of 3 this chapter either in one or more district homes and infirmaries maintained for the purpose, in the home and in-

5 firmary of an adjoining district or city in the home of  
6 the individual or in such other manner as the special cir-  
7 cumstances of the case may require.

Sect. 3. The annual cost to each district of providing  
2 care for persons entitled to relief under the provisions of  
3 this chapter, and of maintaining any buildings required  
4 for the purpose, including the purchase of land, or the  
5 purchase or construction of new buildings and attached  
6 fixtures or additions thereto, shall be apportioned among  
7 the several cities, towns and plantations not taxed as wild  
8 lands comprising the district in proportion to their re-  
9 spective valuations. The trustees of each district shall  
10 have authority, however, from time to time, if in their  
11 judgment it seems wise to do so, to fix a uniform price  
12 per week, not exceeding one-half of the estimated average  
13 weekly per capita cost of maintaining the person supported  
14 by the district and the up-keep of any buildings required  
15 for the purpose, to be paid to the district by each city,  
16 town or plantation thereof, for the support by the district  
17 of persons who have settlement in any such city, town  
18 or plantation. The word "valuation" in this and the pre-  
19 ceding section shall mean the most recent valuation made  
20 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 govern-

5 ment, and the city or town clerk shall forthwith cause  
6 a certified statement of such vote of acceptance to be filed  
7 with the board of trustees of the district to which said city  
8 or town desires to be attached. The provisions of this  
9 act shall become effective as regards any such city or town,  
10 on the first day of April following the date when the con-  
11 ditions of sections four and five 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 to which said city or town desires to be attached shall pay  
4 to said district such part of the original cost to the district  
5 of any land and buildings owned and used by said district  
6 for a home and infirmary as may be agreed upon between  
7 the board of trustees and the municipal officers of said  
8 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 four  
5 and five, the same shall be determined by a board of three  
6 referees, one to be chosen by the board of trustees or by  
7 their authority, one by the municipal officers of the city,  
8 town or plantation or by their authority, and one by the  
9 chief justice of 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

3 off from the district of which it is a part and to be at-  
4 tached to an adjoining district, in the case of towns and  
5 plantations, pursuant to a vote at the annual meeting, and  
6 in the case of cities, pursuant to vote of the city govern-  
7 ment, may file a written request with the board of trustees  
8 of each of the districts concerned, and upon approval of  
9 the same by said boards at their annual meeting, the change  
10 shall become effective when and as specified in section  
11 four. The board of trustees of the district from which the  
12 city, town or plantation is detached may, in their discre-  
13 tion, fix a sum to be paid to said city, town or plantation  
14 as its proportional part of the current value of any land  
15 and buildings owned by the 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  
4 of the board of overseers of the poor ex-officio, of each  
5 of the several cities, towns and plantations comprising  
6 the district, provided that cities and towns having a popu-  
7 lation of more than three thousand shall be entitled to  
8 one additional trustee for each three thousand of popula-  
9 tion or major fraction thereof, to be chosen in such man-  
10 ner as the city or town may determine.

Sect. 9. Said boards of trustees shall meet annually in  
2 February at the home and infirmary of their respective  
3 districts, if any, and otherwise at such place, and on such  
4 day and hour as the board may from time to time deter-

5 mine, then and there to elect by majority vote, the mem-  
6 bers of a board of directors to perform the duties herein-  
7 after specified, and to fix the amount of money necessary  
8 to be raised by taxation to carry out the purposes of this  
9 act for the fiscal year beginning on the first day of April  
10 next ensuing.

Sect. 10. Said board of trustees at their annual meet-  
2 ings shall elect from their own numbers a chairman and  
3 two vice-chairman. They shall also elect a secretary, who  
4 shall be duly sworn to the faithful performance of his  
5 duties, and who may or may not be one of their own num-  
6 bers. The members of said boards of trustees shall be  
7 entitled to reimbursement from their respective districts  
8 for actual expenses incurred in the performance of their  
9 duties as trustees, but shall receive from the district no  
10 compensation 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 in and for each of  
2 the districts for the organization of the trustees and the  
3 election of directors and preparation for carrying out its  
4 objects at a meeting of the board of trustees to be held  
5 at the court house of the county in which said district is  
6 situated, at eleven o'clock in the forenoon on the first Tues-  
7 day in September following the time when this act shall  
8 have been accepted by a majority of the cities, towns and



9 plantations of said county, in the case of cities by vote of  
10 the city government or such body as performs the functions  
11 thereof, and in case of a town or plantation, by vote at  
12 an annual meeting or a special meeting called for the pur-  
13 pose; and shall take effect for the actual care of the per-  
14 sons entitled to relief on the first day of April thereafter.  
15 A certified copy of the vote of the city, town or planta-  
16 tion shall as soon as possible after its adoption be filed  
17 by the clerk thereof with the register of deeds of the county  
18 in which said city, town or plantation is situated, and with  
19 the secretary of the state of Maine, and the latter shall,  
20 when a majority of the cities, towns and plantations of  
21 said county shall have accepted the provisions of this act,  
22 send a notice of such acceptance to the clerk of each city,  
23 town or plantation comprising the district, to be entered  
24 upon his records. Said meeting shall be for the purpose  
25 of organizing the trustees into a permanent and effective  
26 body and for such other purposes as are specified in section  
27 twelve.

Sect. 12. The boards of directors specified in section nine  
2 shall consist of six persons, four men and two women,  
3 who may or may not be members of the boards of trus-  
4 tees, but who shall be residents of the district which they  
5 are to serve. They receive no compensation from the dis-  
6 trict for their services, but shall be entitled to reimburse-  
7 ment by the district for actual expenses incurred in the  
8 performance of their duties. They shall be elected for

9 three-year terms beginning on the first day of April fol-  
10 lowing their election. They shall be duly sworn to the  
11 faithful performance of their duties, either by the secre-  
12 tary of the board of trustees, or before any officer duly  
13 authorized to administer oaths, and notation of the fact  
14 that they have taken the oath of office shall be made by  
15 the secretary of the board of trustees upon the records of  
16 the proceedings of said board.

At the meeting for organization of the trustees, two mem-  
2 bers of the board of directors to be designated at the time  
3 of their election, shall be chosen to serve until the first  
4 day of April following and two members to serve until one  
5 year from said first day of April, and two to serve until  
6 two years from said first day of April.

Vacancies occurring on boards of directors by reason of  
2 death, resignation or otherwise, shall be filled by appoint-  
3 ment by the chairman of the board of trustees to serve  
4 until the next annual meeting of the trustees. Vacancies  
5 existing at the time of said meeting shall be filled by elec-  
6 tion by the trustees for the unexpired portion of the term  
7 of the person whose place has become vacant.

Said boards of directors shall elect from their own num-  
2 ber a president, and such other officers and such commit-  
3 tees as they deem proper.

Sect. 13. Said boards of directors shall have the general  
2 superintendence, management and control of the home and  
3 infirmary of their respective districts, of the grounds and

4 buildings, and of the officers and employees of the district  
5 and of the persons being supported thereby, and, subject  
6 to the provisions of law and of the by-laws of the trus-  
7 tees, of all matters relating to the government, discipline,  
8 contracts and fiscal concerns, thereof. They shall have au-  
9 thority to establish such rules and regulations, including  
10 the times and places of meeting, not inconsistent with law  
11 and the by-laws of their respective boards of trustees as  
12 may seem necessary for carrying out any of the provisions  
13 of 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  
5 lease or purchase and alteration of existing structures, to  
6 provide a home and infirmary for the care of the persons  
7 specified in section two of this chapter, or to take such  
8 other action as may be necessary to carry out the purposes  
9 of this act. Any home and infirmary which may be es-  
10 tablished under the provisions of this act shall be central-  
11 ly and suitably located, considering the means of trans-  
12 portation within the district which it is to serve. The final  
13 acceptance of the location shall be subject to the provisions  
14 of section seven of chapter one hundred forty-seven, re-  
15 vised statutes, with reference to plans for new buildings  
16 to be constructed for charitable institutions. Where lease  
17 or purchase is made, said boards of directors shall have

18 the right, in so far as funds are available, to enlarge or  
19 otherwise adapt to the needs of the situation, and such ad-  
20 ditions or improvements shall be considered permanent.

Sect. 15. Said boards of directors shall cause to be pre-  
2 pared by their respective superintendents and to be pre-  
3 sented to their respective boards of trustees, at the annual  
4 meeting in February of each year, with their recommenda-  
5 tion 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 persons  
2 entitled to support by their respective districts for the year  
3 beginning on the first day of April next, including all sala-  
4 ries and wages, except as noted under (b), and

(b) For all materials and supplies required for up-keep  
2 of grounds, buildings and attached fixtures of the district  
3 home and infirmary, and for all additions to and repairs  
4 and replacements of furniture and equipment, including  
5 farming equipment and livestock and all personal services  
6 rendered wholly in connection with repair work, and

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

Sect. 16. 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 three. A certified copy of such vote  
9 of approval, signed by the secretary of the board of trus-  
10 tees and accompanied by a copy of the apportionment made  
11 and signed by the superintendent, filed with the city, town  
12 or plantation clerk of each city, town and plantation not  
13 taxed as wild lands comprising the district shall be suffi-  
14 cient authority and direction for the assessors of said city,  
15 town or plantation to make assessment of the amounts ap-  
16 portioned 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. 17. 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 appor-  
9 tioned, assessed and collected each year. When any such  
10 estimate is approved and divided by the trustees as afore-  
11 said the board of directors of the district shall have au-  
12 thority to borrow the full amount of the approved esti-  
13 mate, or so much thereof as may be necessary and to issue  
14 bonds of the district payable upon such terms as they  
15 may deem proper as security therefor. Boards of directors  
16 shall also have authority to negotiate, or to authorize the  
17 superintendent to negotiate, temporary loans in anticipa-  
18 tion of payments by cities, towns and plantations of ap-  
19 portionments of approved estimates as specified in section  
20 sixteen.

Sect. 18. Should any city, town or plantation fail to  
2 pay its apportionment of a duly approved and assessed  
3 estimate on or before the thirtieth day of September of  
4 any year, the board of directors of the district may recover  
5 the same in an action of debt in the name of the district.

Sect. 19. 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  
5 experience, character, ability and fitness for the position.  
6 Each board shall fix the compensation of its superintendent

7 and of all other employees of the district. Members of  
8 the board of trustees and board of directors shall not be  
9 eligible for appointment as superintendent of their district  
10 during the term for which they are elected. Each of said  
11 boards of directors shall meet annually in February at such  
12 time and place as it may determine, and at such other  
13 times as it may deem necessary and shall have authority by  
14 appropriate committees or orders to its superintendent to  
15 provide for carrying on the business of the district when  
16 the board is not in session.

Sect. 20. The superintendent of each district shall, sub-  
2 ject to the direction of the board of directions,

1. Have the general supervision and control of the  
2 grounds and buildings of the district, the subordinate of-  
3 ficers and employees thereof, and the persons cared for  
4 thereby, and all matters relating to their government and  
5 discipline.

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 per-  
5 formance of his duties, shall receive all money or property  
6 due the district and safely keep and account for the same,  
7 and shall pay all expenses incurred for or in behalf of the  
8 district by the board of trustees or directors or by him-  
9 self acting under their direction.

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

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

Sect. 21. Whenever it shall appear to the overseers of  
2 the poor of any city, town or plantation forming a part of  
3 one of the districts created by this act that any person in  
4 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  
10 ought to be provided by the overseers of the poor at the  
11 expense of the city or town under the provisions of chap-  
12 ter twenty-nine, revised statutes, or by the superintendent  
13 at the expense of the district under the provisions of this  
14 act, the matter shall be referred to the board of directors



15 of the district for decision, and pending decision, care shall  
16 be provided by the superintendent.

Sect. 22. It shall be the duty of the superintendent of  
2 any district, whenever in his opinion any person being  
3 cared for by the district is able to support himself or can  
4 be properly cared for by his responsible relatives as de-  
5 fined in section eighteen of chapter twenty-nine, revised  
6 statutes, to discontinue the support or assistance being  
7 given to such person, and to notify the overseers of the  
8 poor of the town of settlement, if any, or such state offi-  
9 cial as the Governor and Council may have directed. Su-  
10 perintendents of districts shall endeavor to find suitable  
11 employment for persons under their care who may by rea-  
12 son of such employment cease to need support from the  
13 district, and may in their discretion cause the expense of  
14 transportation of said persons to the place where such em-  
15 ployment awaits them to be paid by their respective dis-  
16 tricts.

Sect. 23. Superintendents of districts shall endeavor to  
2 provided 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. 24. 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,

4 for any expenses incurred for the care of any person hav-  
5 ing settlement in any such other city or in a city, town or  
6 plantation forming a part of any such other district upon  
7 notice to the overseers of the poor of such city or the su-  
8 perintendent of such district as specified in section three  
9 of chapter twenty-nine of the revised statutes. Such no-  
10 tice shall state the full name of the person cared for and  
11 such other facts as may be relied upon by the city or dis-  
12 trict to prove settlement. Said districts shall be entitled  
13 to reimbursement from the state for the care of persons  
14 without settlement in any city or town in the state in the  
15 same manner as is now or may hereafter be provided by  
16 law for the reimbursement of cities and towns.

Sect. 25. Said districts shall have the same rights and  
2 duties as to removal of persons having settlement in their  
3 respective cities, towns and plantations and requiring sup-  
4 port by said districts as is now or may hereafter be pro-  
5 vided by law in the case of cities and towns.

Sect. 26. The provisions of section fifty-seven of chap-  
2 ter sixty-four of the revised statutes and acts amendatory  
3 thereto relative to the placing and keeping of children in  
4 almshouses shall apply to any home and infirmary for  
5 adults maintained by the district created by this act.

Sect. 27. No member of any board of trustees or direc-  
2 tors during the term for which he is elected and no offi-  
3 cer, employee or any agent thereof, shall be directly or in-  
4 directly financially interested in any contract for the pur-

5 chase of land or the building or repairing of any district  
6 home and infirmary or for furnishing supplies, material  
7 or services for the district.

Sect. 28. Any official or person who shall wilfully fail,  
2 neglect or refuse to perform any of the duties imposed  
3 upon him by the provisions of the act shall be fined not  
4 more than five hundred dollars or be imprisoned not more  
5 than six months.

Sect. 29. All acts and parts of acts inconsistent herewith  
2 are hereby repealed.