

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-seventh and Eighty-eighth
Legislatures

OF THE

STATE OF MAINE

From April 7, 1935 to April 24, 1937

AND MISCELLANEOUS STATE PAPERS

Published by the Secretary of State, in conjunction
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1937

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-Eighth Legislature

1937

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but only when requested to do so by said judge or during his temporary absence or disability, or when a vacancy exists in the office of said judge. The recorder shall receive a salary of \$300 per year.'

Sec. 2. Amending clause. This act shall be valid and effective, any provision of chapter 242 of the private and special laws of 1895, and amendments thereto, inconsistent herewith, notwithstanding.

Approved March 11, 1937.

Chapter 25

AN ACT to Provide a Manager Form of Government for the Town of Milo in the County of Piscataquis.

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

Sec. 1. Date of town meetings. On and after the passage of this act and its adoption by the town, as hereinafter provided, annual town meetings shall be held in the town of Milo in the county of Piscataquis on the 2nd Monday of March in each year and the voters shall then choose by ballot, as now provided by law, a moderator.

Sec. 2. Election of officers. (A) Governing boards. The governing boards and officers of the town to be elected by ballot by the qualified voters at the annual town meeting as hereinafter provided, shall be: a board of 5 selectmen, who shall be ex-officio overseers of the poor and assessors, a superintending school committee of 3, town treasurer and town clerk, and shall elect or instruct the selectmen to employ an auditor.

(B) Board of selectmen. At the 1st annual town meeting held under the provisions of this act and at each annual meeting thereafter, only the necessary number of members of the board shall be elected as may be required to maintain the full number of 5, those elected to fill interim vacancies to serve only for the unexpired term of their predecessors, others for a term of 3 years. As the members of the board of selectmen are now elected each for a 3 year term, those whose terms have not expired when this act shall take effect, shall continue to serve until their term expires and only the vacancies shall be filled at the first election hereunder.

(C) Superintending school committee. At the first annual meeting held under the provisions of this act and at each annual meeting thereafter, only the necessary number of members of the committee shall be elected as may be required to maintain the full number of 3, those elected to fill interim vacancies to serve only for the unexpired term of their predecessors, others

for a term of 3 years. As the members of the superintending school committee are now elected each for a 3 year term, those whose terms have not expired when this act shall take effect, shall continue to serve until their terms expire and only the vacancies shall be filled at the first election hereunder.

(D) **Tax collector.** The tax collector shall be appointed by the board of selectmen and at any regular meeting of the board the offices of tax collector and town manager may be combined.

(E) **Town treasurer, clerk, and auditor.** The town treasurer, clerk, and auditor, if elected, shall each be elected for a term of 1 year.

(F) **Other officers or committees.** Other town officers or committees not hereinbefore provided for, including cemetery committee and library committee, shall be appointed by the board of selectmen, or by the town manager, subject to the approval of the board.

(G) **Number of offices.** No two of the elective offices may be held at one time by the same person and no officer so elected may hold any appointive office in the town, except that any officer may also be appointed constable.

(H) **Officers to be sworn.** Each officer elected and hereinafter appointed shall be sworn to the faithful performance of the duties of his office and a certificate thereof shall be entered in the town records before such officer may assume the duties of office.

Sec. 3. Tenure of office. All appointed officers and boards shall hold office at the pleasure of the appointing power.

Sec. 4. Compensation of officers. The amount to be paid as salaries to the various town officers, elected at the annual town meeting, shall be fixed annually by the voters at the annual town meeting. The amount to be paid as salaries to the various town officers who hold office by virtue of appointment shall be fixed annually by the selectmen. Expenses incurred in the discharge of the town's business shall be allowed and paid, only when approved by a majority of the board of selectmen for the town and a majority of the superintending school committee for the school department. The amounts thus determined and fixed as above for all elective and appointive officers and clerks shall be the total amount of compensation for services to the town in the discharge of the duties and services rendered.

Sec. 5. Organization and meetings; board of selectmen. Within 24 hours after the adjournment of each annual town meeting, the elected and qualified members of such board shall meet and choose by ballot 1 of their number to serve as chairman for the ensuing year and appoint a secretary.

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The board shall determine the time and place of their regular meetings, which shall be as often as once a month. Special meetings of the board may be called whenever deemed expedient by the chairman, a majority of the members, or the town manager, after due notice to all members. Records shall be kept by the secretary of all the doings of the board. Said records shall be public records and shall be open at all times to the inspection of any citizen of the town.

Sec. 6. Duties of officers; board of selectmen. (A) The board of selectmen shall also serve as municipal officers, overseers of the poor, assessors, and road commissioners and shall have the same powers and be subject to the same duties in these capacities as are set forth under the general statutes, except as otherwise provided herein. The board of selectmen shall be charged with the responsibility of the administration of the town's affairs and shall act as a unit according to the majority expression of the board.

(B) The selectmen shall by ballot, within 60 days after the annual organization meeting, appoint a town manager for a period of time to suit their pleasure but for not more than 3 years, and thereafter in case of a vacancy or at the expiration of an existing appointment for a period of time not to exceed 3 years. He need not be a resident of the town at the time of his appointment but shall be a citizen of the United States.

(C) The board of selectmen may, as overseers of the poor, authorize the town manager to act as agent for them, as said overseers of the poor, to sign and send written notices and written answers referred to in sections 31 and 32 of chapter 33 of the revised statutes and acts additional thereto and amendatory thereof. Any such written notices and written answers shall have the same effect as if signed and sent by the selectmen themselves, as overseers of the poor.

(D) The selectmen shall appoint a health officer for a period of 3 years, subject to the approval of the state commissioner of health and welfare, as now provided for by general statutes. Said health officer shall appoint a plumbing inspector for a term of 1 year, subject to the approval of said commissioner, as now provided by general law.

(E) The tax collector, town treasurer and the town clerk shall have the same powers and be subject to the duties and responsibilities as are provided in the general statutes and shall furnish the board of selectmen, within 7 days after the close of each month, a report of the receipts and their sources for each preceding month, together with such comments on the conditions within their jurisdiction as they consider pertinent or for which they may be asked.

(F) The auditor shall have the same power and be subject to the duties and responsibilities as are provided in the general statutes.

(G) A. The town manager shall be chosen by the board of selectmen solely on the basis of his executive and administrative qualifications and his technical knowledge of municipal construction, and integrity of character. He shall be the administrative and executive head of the town government and shall be responsible solely to the board of selectmen for the administration of all departments of the town over which the board of selectmen under this act and under the general statutes have control, shall devote his entire time to his office, shall be paid monthly, and his powers and duties, where not otherwise herein provided, shall be generally as follows:

- (1) To see that the laws and ordinances are enforced.
- (2) To exercise control over all departments created herein or that may hereafter be created, either by general law or ordinance.
- (3) To act as clerk of assessors.
- (4) To attend the meetings of the board of selectmen, except when his removal is being considered, and recommend for adoption such measures as he may deem expedient.
- (5) To keep the board of selectmen fully advised as to the business, financial condition, and future needs of the town.
- (6) To perform such other duties as may be prescribed by the board of selectmen.

B. Said town manager on and after his appointment shall be superintendent of roads, streets, bridges and buildings, with the exception of those coming under the school department.

C. As purchasing agent of said town, the town manager shall purchase all supplies and materials for the town and for the several departments with the exception of the school department, and all accounts for the purchase of supplies and materials and work performed for said town, with the exception of accounts for the purchase of supplies and materials and work for the school department, shall bear the approval of the town manager when presented to the selectmen for payment. Provided, however, that no item, the purchase price of which exceeds \$100, shall be purchased by said town manager without the previous approval of the selectmen, and he shall, if the board so directs, receive and submit to the board for decision competitive bids on orders exceeding this amount.

Sec. 7. Money expended. No money shall be paid out of the town treasury except by order issued and signed by a majority of the board of selectmen or their authorized representative, and presented to the treasurer for payment.

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Sec. 8. Bonds of officials. The selectmen of said town shall require a bond with sufficient surety or sureties, satisfactory to said selectmen, from all persons trusted with the collection, custody or disbursement of any of the moneys of the said town; and may require such bond from such officials as they may deem advisable, provided, however, that the town shall pay the costs of providing said bond.

Sec. 9. Other town officers and provisions. Any other town officers and any other requirements for conducting the affairs of the town, not specifically provided for herein, shall be continued in the same manner as are now or may hereafter be provided for under the general statutes.

Sec. 10. Repealing clause. If any part of this act shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the act. The provisions of this act shall supersede all laws and ordinances not consistent herewith, in so far as the town of Milo in the county of Piscataquis is affected thereby.

Sec. 11. Ratification. This act shall not become operative until it is ratified by said town of Milo, at an annual town meeting or at a special town meeting called for that purpose by an appropriate article inserted in the call for said meeting, prior to April 1, 1942. Such vote shall be by check list and this act when so ratified shall take effect on the 3rd Monday in March next following said ratification.

Approved March 11, 1937.

Chapter 26

AN ACT Relating to "An Act to Incorporate the Portland Water District."

Emergency preamble. Whereas, the inhabitants of that part of the town of Windham, known as "North Windham," are suffering from an inadequate supply of pure water; and

Whereas, the Portland Water District, under the provisions of chapter 433 of the private and special laws of 1907, was authorized to supply water in said territory and for that purpose to take water from Sebago Lake; and

Whereas, it appears that the most available source of supply for the inhabitants of North Windham and adjacent territory is from the waters of Chaffin pond, so-called, a great pond located entirely within the limits of said town of Windham and adjacent to North Windham; and

Whereas, the Portland Water District at this time has no authority to take water from said Chaffin pond for such purposes; and