

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-eighth and Eighty-ninth
Legislatures

OF THE

STATE OF MAINE

From April 24, 1937 to April 21, 1939

AND

MISCELLANEOUS STATE PAPERS

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1939

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-ninth Legislature

1939

authorized to increase its capital stock from time to time in such amounts as shall be convenient for the conduct of its business. The stock authorized by this act may be issued either as common or preferred, from time to time, and upon such terms and conditions as the corporation may determine; provided, however, that the issue of such capital stock shall be subject to the provisions of section 41 of chapter 62 of the revised statutes and acts amendatory thereof; and it may hold real and personal estate in such an amount as shall be necessary and convenient for the conduct of its business.'

Sec. 6. Validating clause. The location of all of the pipes and hydrants of the Camden and Rockland Water Company in the public highways and streets in the city of Rockland and in the towns of Camden, Rockport, Thomaston and Owl's Head are hereby validated and declared legal and the same shall henceforth be legal structures in said streets and highways until the location thereof shall be changed in any manner required or authorized by law.

Approved March 16, 1939.

Chapter 46

AN ACT to Provide a Town Manager Form of Government for the Town of Caribou.

Emergency preamble. Whereas, the town of Caribou, in the county of Aroostook, has certain expenses and liabilities which must be met as they become due and whereas it is immediately necessary that provisions be made for raising revenue and for the general government of said town, and

Whereas, the aforesaid are immediately necessary for the preservation of the public peace, health and safety and in the judgment of this legislature, these facts constitute an emergency as contemplated by section 16 of Article XXXI of the constitution; now, therefore,

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

Sec. 1. Town meetings. The regular annual town meeting of the inhabitants of the town of Caribou in the county of Aroostook shall be held in the month of March each year. Special town meetings may be called by a majority of the town councillors or as provided in the revised statutes of 1930 and amendments thereto. Calls for all town meetings shall be as provided in said statutes.

Sec. 2. Election of officers by town meeting. At such annual town meetings the voters of said town of Caribou shall elect as hereinafter provided, the following officers:

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1. A moderator for said meeting.
2. A town clerk to serve for the ensuing year.
3. Town councillors as herein provided. At the first annual town meeting after the adoption of this act 5 councillors shall be elected, 2 of whom shall serve for a term of 1 year, 2 for 2 years, and 1 for 3 years. At subsequent annual town meetings as many councillors shall be elected as are needed to bring the total number up to 5, each to serve for a term of 3 years, subject to the provisions of section 5 of this act.
4. One manager of the Jefferson Cary Hospital Fund to serve for a term of 3 years.
5. A budget committee to serve for the ensuing year.
6. One member of the superintending school committee to serve for a term of 3 years.

Sec. 3. Organization of town council and election of officers. (a) The town council elected as herein provided shall meet within one week after the annual town meeting and organize by electing by written ballot and by majority vote of the whole membership one of its members as chairman, and the clerk of the town shall be ex officio the secretary of the council. If the said town clerk fails to act the council can elect anyone qualified to said office.

(b) Within a reasonable time after the adjournment of the annual town meeting the town council shall elect by written ballot by a majority vote of the whole membership the following officers:

1. A town treasurer to serve for the ensuing year, who may at his option appoint a deputy town treasurer, subject to the approval of the town council. The town manager may be deputy treasurer.
2. One member of the public library committee to serve for a term of 3 years.
3. An auditor to serve for the ensuing year.
4. For the first year after the adoption of this charter, enough directors of the Cary Hospital for a term of 3 years each, to bring the total number of elected directors up to 7, and as many directors each year thereafter, for a term of 3 years each, as there are terms expiring at the time. The town manager and the chairman of the managers of the Jefferson Cary Hospital Fund shall be directors ex officio.
5. Tax collector who shall serve as provided for under the revised statutes of 1930 and amendments thereto. The town manager may be tax collector if the council so elects.

6. 3 or 5 assessors at the option of the town council who shall serve for the ensuing year and who shall be elected from the membership of the town council.

7. Any other necessary committees or boards.

(c) Within a reasonable time after the adjournment of the first annual town meeting held after the adoption of this act the town council shall elect by written ballot by a majority vote of the whole membership a town manager for not more than 3 years. When a vacancy occurs in the office of town manager the town council may by the method above provided elect a successor for not more than 3 years.

Sec. 4. Vacancies in office. In case of the death, resignation, removal from the town of Caribou, or incapacity of any of the officers elected as provided in sections 2 and 3, except the town manager, the town council shall elect a successor or successors to serve for the remainder of the town year.

Sec. 5. Number of boards and directors. There shall be in all 5 town councillors, 3 managers of the Jefferson Cary Hospital Fund, 3 members of the superintending school committee, 3 members of the public library committee, 7 elected directors of the Cary Hospital together with the 2 aforesaid ex officio members according to section 3. Members of these boards and committees whose terms have not expired on the effective date of this act shall continue to serve until the expiration of their term. In case of vacancies in any of these offices at an annual meeting of the body which has the power to elect said officers as provided for by sections 2 and 3, their successors, shall be elected to fill only the unexpired term.

Sec. 6. Officers appointed by town manager. The town manager shall with the consent and approval of the town council appoint the following officers:

1. Chief of police.
2. Chief of fire department.
3. Health officer whose appointment shall be subject to approval of the state department of health and welfare as provided in the revised statutes of 1930 and amendments thereto.
4. Sealer of weights and measures.
5. Constables.
6. All other necessary town officers, excepting plumbing inspectors, who shall be appointed as provided by section 171 of chapter 1, public laws of 1933, and amendments thereto.

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Such officers shall hold office for the remainder of the town year during which they are appointed or until their removal by the town manager, with the consent and approval of the council.

Sec. 7. Removal of town manager. The town council may by a majority vote of the whole membership remove the town manager at any regularly called meeting whenever in its opinion it would be for the best interests of the town.

Sec. 8. Affidavit of council officers; duties of the secretary. Within 48 hours after the adjournment of the organization meeting of the town council an affidavit of the choice of chairman and secretary of the council signed by a majority of the council shall be recorded by the town clerk in the records of the town. The secretary shall keep an accurate record of all the meetings of the council. Said records shall be public and open during business hours for inspection by the public.

Sec. 9. Oath of officers; duration of office. All elected and appointed officers of the town shall be sworn in by the town clerk, a justice of the peace, or notary public, or by the moderator before the town meeting adjourns. The moderator can also be sworn in by the officer presiding when he is elected.

All officers shall continue in office until their successors are elected or appointed, and qualified.

Sec. 10. Salaries of officers. The salaries of the town councillors shall be determined at the annual town meeting. The salaries of all other officers and employees shall be determined by the town council.

Sec. 11. Assistant assessors. The town council shall have the power to employ one or more persons to perform the routine duties of the assessors; provided, however, that the determination of all valuations must be made by the assessors.

Sec. 12. Duties of councillors. (a) The town council shall hold regular meetings at least once every month, on such days of the month, time and place as shall be decided by the town council at its organization meeting. Special meetings may be called by the chairman or by a majority of the council, after due notice to all members. At all meetings 3 shall constitute a quorum.

(b) The town councillors shall be overseers of the poor, assessors as above provided, perform all duties of selectmen as required by the revised statutes of 1930 and amendments thereto, and be subject to the same duties in these capacities as are set forth under said statutes unless otherwise provided herein. The town councillors shall be charged with the respon-

sibility of the administration of the town's affairs and shall act as a unit according to the majority expression of the board.

(c) The town council shall pass such municipal ordinances as they think necessary and proper, governed by the authority which towns have to enact ordinances under the revised statutes of 1930 and amendments thereto.

Sec. 13. Duties of the budget committee. The budget committee shall prepare a proposed budget of town appropriations and expenditures and present it at the annual town meeting together with recommendations.

Sec. 14. Town manager, qualification and duties. (a) The town manager shall be chosen by the town council on the basis of his executive and administrative qualifications and his technical knowledge of municipal management and his integrity of character. He need not be a resident of the town of Caribou or of the state of Maine, but shall be a citizen of the United States.

(b) The town manager shall be the administrative and executive head of the town government and shall be responsible solely to the town council for the administration of all departments of the town over which the town council under this act, and under the revised statutes of 1930, and amendments thereto, has 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 attend the meetings of the town council, except when his removal is under consideration, and recommend for adoption such measures as he may deem expedient.
4. To keep the town council fully advised as to the business, financial condition, and future needs of the town.
5. To perform such other duties as may be prescribed by the town council.
6. To act as superintendent of roads, streets, bridges and buildings, with the exception of those buildings coming under the school department, Cary Hospital, Public Library, and Jefferson Cary Hospital Fund.
7. To act as purchasing agent of said town and to purchase all supplies and materials for the town and for the several departments, with the exception of the school department, Cary Hospital, Public Library and Jef-

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person Cary Hospital Fund. All accounts for the purchase of supplies and materials and work performed for said town, with the exception of accounts for the purpose of supplies and materials and work for Cary Hospital, School Department, Public Library and Jefferson Cary Hospital Fund, shall bear the approval of the town manager when presented to the town council for payment. Provided, however, that no single contract of purchase, the price of which exceeds \$200, shall be purchased by the town manager without the previous approval of the council, and he shall, if the town council so directs, receive and submit to the board for decision competitive bids on orders exceeding this amount.

8. To perform such duties of the overseers of the poor as the council may direct. The town manager may sign and send written notices and written acceptances referred to in sections 31 and 32 of chapter 3 of the revised statutes of 1930 and amendments thereto. Such written notice and written acceptance shall have the same effect as if signed and sent by the overseers of the poor.

Sec. 15. Money expended. No money shall be paid out of the town treasury except by order issued and signed by a majority of the town councillors, or their authorized representative, and presented to the treasury for payment.

Sec. 16. Bonds of officials. The town council shall require a bond by a reputable surety company satisfactory to said town council, from all persons trusted with the collection, custody or disbursement of any of the moneys of 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. 17. Construction of this act. 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, insofar as the town of Caribou in the county of Aroostook is affected thereby. 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 at present, or may hereafter be provided for under the general statutes.

Sec. 18. Secret ballot. At election of officers at the annual town meeting, except that of moderator and budget committee, who shall be elected in open town meeting by written ballot, the method of voting shall be that set forth in sections 40 to 52 inclusive of chapter 5 of the revised statutes of 1930. However, each time the word selectman appears in said sections,

for the purpose of this statute, it shall be construed to mean members of the Caribou town council.

It shall not be necessary as provided by section 51 of chapter 5 that the moderator be elected before balloting commences for other officers. However, all balloting must be completed before other business is taken up by the annual town meeting.

Any person who has qualified as a candidate under section 41 cannot be disqualified under the provisions of section 43.

Sec. 19. Referendum. This act shall take effect when approved only for the purpose of permitting its acceptance or rejection by the legal voters of the town of Caribou at any annual or special town meeting by an article being inserted in the call for such meeting. Such vote shall be by secret ballot, and if a majority of the qualified voters of the town, present and voting, vote in favor of the acceptance of this act it shall become operative in the town at its next annual town meeting. The town clerk shall further file with the secretary of state a certificate of the action of the town thereon.

Emergency clause. In view of the emergency cited in the preamble this act shall take effect when approved as above provided.

Approved March 17, 1939.

Chapter 47

AN ACT Relating to the Probation Officer for the County of Cumberland.

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

P. & S. L., 1905, c. 346, amended. Chapter 346 of the private and special laws of 1905 is hereby amended by adding at the end thereof 2 new sections to be numbered section 10 and section 11 and to read as follows:

'Sec. 10. Execution of sentence at any term of court, or in vacation. The probation officer may bring any respondent placed in his custody by a justice of the superior court who has violated the terms of his probation before said court, at any term, civil or criminal, or in vacation, and any justice of said court upon being satisfied of the facts, may order the respondent to forthwith comply with the original sentence. If the cause had been continued for sentence, the justice of said court may, either in term or in vacation, impose sentence.'

'Sec. 11. Probation officer to be officer in all courts of the county. The