

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 21

In Senate, Jan. 23, 1917.

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

W. E. LAWRY, Secretary.

Presented by Mr. Deering of York.

STATE OF MAINE

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

AN ACT to repeal so much of Chapter 29 of the Revised Statutes of 1916 and any act amendatory thereof as authorize the cities and towns of the state to maintain almshouses, workhouses, or houses of correction, and to provide for the establishment of district infirmaries in lieu thereof.

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

Section 1. On and after January 1, 1918, there shall be
2 established and maintained within and for each of the dis-
3 tricts hereinafter specified an institution to be known as
4 an infirmary for the care of the aged or otherwise infirm
5 and indigent persons entitled to relief under the provisions

6 of Chapter 29 of the Revised Statutes of 1916, (except
7 children under 16 years of age), whose condition is such
8 that they require more than temporary care or partial sup-
9 port.

Sect. 2. For the maintenance of the infirmaries specified
2 in section 1 of this act, districts are hereby created com-
3 posed of the cities and towns situated within the following
4 named counties: Androscoggin district, Androscoggin coun-
5 ty; Aroostook district, Aroostook county; Bangor district,
6 the city of Bangor; Cumberland district, Cumberland coun-
7 ty, except the city of Portland; Franklin district, Franklin
8 county; Hancock district, Hancock county; Kennebec dis-
9 trict, Kennebec county; Knox-Lincoln-Sagadahoc district,
10 Knox, Lincoln and Sagadahoc counties; Oxford district,
11 Oxford county; Penobscot district, Penobscot county, ex-
12 cept the city of Bangor; Piscataquis district, Piscataquis
13 county; Portland district, the city of Portland; Somerset
14 district, Somerset county; Waldo district, Waldo county;
15 Washington district, Washington county; York district,
16 York county.

Sect. 3. The management of each of the several infirma-
2 ries shall be vested in a board of trustees, which shall be
3 composed of five persons, one of whom shall be a woman,
4 all of whom shall be residents of the county or district for
5 which appointed. The members of said board shall be
6 appointed for five-year terms beginning on the first day of
7 July, provided that the terms of those first appointed shall

8 be so fixed that the term of office of one member shall ex-
9 pire each year. Any person appointed to fill a vacancy on
10 one of said boards of trustees shall hold office for the re-
11 mainder of the term of the person whom he or she succeeds.
12 Said boards of trustees shall be non-partisan in the per-
13 formance of their duties, and no member, officer or em-
14 ployee thereof shall during his term of office or employ-
15 ment actively engage in politics or hold any political office;
16 said trustees may be removed at any time for cause, but
17 charges shall first be preferred in writing and the accused
18 trustee shall have had an opportunity to be heard, or to file
19 a reply to said charges.

Sect. 4. Said trustees shall be appointed, and may be
2 removed for cause as specified in the preceding section,
3 where the district is composed of one city or town only,
4 by the municipal officers thereof; where the district is com-
5 posed of more than one municipality but not more than one
6 county by the board of county commissioners within which
7 the district is located; where the district is composed of
8 more than one county, by the joint boards of county com-
9 missioners of the several counties composing the district.

Sect. 5. Said boards of trustees shall have authority to
2 establish the infirmaries provided for in Sections 1 and 2
3 of this act, either by building, lease or purchase as may
4 seem to them expedient, and in accordance with the funds
5 made available therefor as hereinafter provided. Where
6 lease or purchase is made the boards of trustees shall have

7 the right insofar as funds are available to enlarge or other-
8 wise adapt to the needs of the situation and such additions
9 or improvements shall be considered permanent. At the
10 expiration of the original lease of any property for use as
11 a county or district infirmary, the boards of trustees shall
12 have the right of release or purchase.

Sect. 6. Said boards of trustees shall have the general
2 superintendence, management and control of the infirmaries
3 in their respective counties, of the grounds and buildings,
4 officers and employees thereof, of the inmates therein, and
5 of all matters relating to the government, discipline, con-
6 tracts, and fiscal concerns thereof, shall determine, subject
7 to the provisions of law who shall be admitted to said in-
8 stitution, and shall make such rules and regulations, sub-
9 ject to the approval of the State Board of Charities and
10 Corrections, and not inconsistent with law, as may seem to
11 them necessary for carrying out the purposes of said in-
12 stitution, or any of the provisions of this act which they
13 are required to execute.

Sect. 7. Each of said boards of trustees shall elect from
2 its own members a chairman who shall hold office for such
3 length of time as such boards may determine. Each board
4 shall appoint a superintendent, not one of its members, who
5 shall be ex-officio clerk of the Board, and shall hold
6 office during its pleasure, and who shall be chosen wholly
7 because of his experience, character, ability and fitness for
8 the position. Each board shall fix the compensation of its

9 superintendent, and of all of its other officers and employees.

Sect. 8. The superintendent of each infirmary shall, sub-
2 ject to the control and direction of the board of trustees,

1st. Have the general supervision and control of the
2 grounds and buildings of the infirmary, the subordinate offi-
3 cers and employees, and the inmates thereof, and all mat-
4 ters relating to their government and discipline.

2nd. Make such rules, regulations and orders, not incon-
2 sistent with law, or the rules, regulations and directions of
3 the board of trustees as may seem to him proper or neces-
4 sary for the government of the infirmary and its officers
5 and employees, and for the care, employment and discipline
6 of the inmates thereof.

3rd. Act as the agent of the Board in determining who
2 shall be admitted and discharged from the institution and
3 in the preparation of reports and the supervision of the
4 work of municipal overseers of the poor as hereinafter pro-
5 vided.

4th. Shall be its financial and purchasing officer, shall
2 give bond to the board of trustees for such sum as the State
3 Board of Charities and Corrections shall determine and
4 subject to its approval, the cost of same to be paid by the
5 infirmary, for the faithful performance of his duties, shall
6 receive all money and property due the infirmary and safely
7 keep and account for the same, and shall pay all expenses
8 incurred for or in behalf of the infirmary by the board of
9 trustees, or by himself acting under their direction.

5th. Have the power to appoint and remove all subordinate officers and employees of the board or of the infirmary under its control.

6th. Exercise such other powers and perform such other duties as the board may prescribe.

Sect. 9. The State Board of Charities and Corrections shall have the power to prescribe a uniform system of books and accounts for said infirmaries, and shall audit the said books and accounts annually, and oftener if required, and each of said superintendents shall be holden under his bond hereinbefore mentioned until the said books and accounts have been so audited and the said State Board or its secretary shall have certified that the same are correct and that all moneys and property have been properly accounted for in accordance with the laws providing for their expenditure. On or before the last day of February in each year each of said boards of trustees shall make a report to the State Board of Charities and Corrections, containing a history of the activities of the board and of the infirmary under its control for the year ending on the last day of December next preceding, and a complete statement of all accounts, with all funds, general and special, appropriated or belonging to said institution, with a detailed statement of disbursements.

Sect. 10. Any person who is entitled to care in one of the infirmaries hereby created may be admitted and shall then be removed thereto by the board of trustees or super-

4 intendent upon application of the overseers of the poor of
5 any city or town in the state; likewise without application
6 of the overseers of the poor of any city or town the board
7 of trustees of any infirmary may order the admission of
8 and remove to the infirmary under its control, any person
9 residing or sojourning within the district who is receiving
10 relief under the provisions of Chapter 29 of the Revised
11 Statutes of 1916, when, in the judgment of the said board
12 of trustees said person can be better or more economically
13 cared for in the infirmary than elsewhere, or when in the
14 opinion of the said board of trustees it is for the best inter-
15 est of the community or of the person assisted, if he or she
16 is to continue to receive assistance that he or she should be
17 cared for at the infirmary. Should it transpire that any
18 person admitted or about to be admitted to one of said in-
19 firmaries has legal or pauper settlement in any city or town
20 in another district then the board of trustees of the in-
21 firmary where he is being, or is about to be, cared for shall
22 report the same to the State Board of Charities and Correc-
23 tions who may in its discretion order said person removed
24 to the infirmary of the district where he or she has legal
25 settlement, and the expenses of such removal shall be borne
26 by the infirmary to which removed.

Sect. 11. Except where the district is composed of only
2 one municipality the said boards of trustees shall bi-ennially
3 on or before the 30th of September next preceding the
4 regular sessions of the Legislature, submit to the State

5 Board of Charities and Corrections an estimate of the
6 amounts required (a) for any new buildings or additions
7 needed, (b) for general maintenance expenses and main-
8 tenance of equipment, and (c) for purchase of new equip-
9 ment and maintenance of buildings and grounds, of their
10 respective institutions for each of the two fiscal years be-
11 ginning on July 1st following the conveying of the Legisla-
12 ture, together with such details, explanations and reasons as
13 to the necessity therefor as the State Board shall require,
14 and said Board shall seasonably transmit the same together
15 with such recommendations and comments as it may deem
16 proper, to the Legislature for its information and action.
17 Acting upon such estimates the Legislature shall authorize
18 the raising by taxation of such amounts as it deems proper
19 for each of said infirmaries, and the county commissioners
20 of the several counties shall according to the last State Val-
21 uation, apportion the same less any unexpended balances of
22 preceding years among the several cities and towns compos-
23 ing the district for which each of said amounts is appropri-
24 ated, to be collected and paid over to the several county
25 treasurers in the same manner as are other county taxes and
26 by them paid to the financial officers of the several infirm-
27 aries. Where the district is composed of one municipality
28 only, the said estimates shall be submitted annually by the
29 trustees of the said infirmary to the said State Board, on or
30 before the same date, and for the same fiscal year, and the
31 said Board shall transmit the same with its recommendations

32 and comments to the municipal officers of said municipality,
33 and such amounts as the said municipal officers shall deem
34 proper shall be appropriated, and less any unexpended bal-
35 ances of preceding years, shall be assessed and collected in
36 the same manner as other municipal taxes, and paid over by
37 the municipal treasurer to the financial officer of the infirm-
38 ary in such sums as may be from time to time required. Any
39 unexpended balances of any appropriation collected, and any
40 money received from other sources for the use of said in-
41 firmaries shall be available for expenditure for maintenance
42 purposes during succeeding years.

Sect. 12. There shall not be expended for the maintenance
2 of any infirmary or for new buildings and additions, in any
3 given fiscal year, a sum greater than that authorized by the
4 Legislature or municipal officers, in the manner hereinbefore
5 provided, for that particular infirmary and year. In order to
6 carry out the purposes of this act for the period from Jan-
7 uary 1, 1918, to July 1, 1919, there is appropriated from each
8 district for the six months beginning January 1, 1918, a sum
9 equal to one-half, and for the year beginning July 1, 1918, a
10 sum equal to the total, of the amount expended by the several
11 cities and towns in the said district for the preceding
12 municipal year for persons fully supported as shown by the
13 annual report of the State Board of Charities and Correc-
14 tions for the year ending November 1, 1916, to be collected
15 and paid into the several county or municipal treasuries in
16 the manner indicated in Section 11, provided that no part

17 of any such sums shall be used for the purchase of land or
18 building of new buildings, and provided further that for the
19 two years indicated the said boards of trustees shall provide
20 for one or more branches of the infirmary in their respective
21 districts by lease of such existing municipal almshouses as
22 may be necessary. Should the board of infirmary trustees
23 of any district and the municipal officers of any city or town
24 fail to agree as to the terms of lease of any existing alms-
25 house or town farm necessary for carrying out the purposes
26 of this act, then the same shall be decided by a board of
27 arbitration composed of three persons, one to be selected by
28 the board of trustees, one by the municipal officers of the
29 town concerned, and one by the State Board of Charities
30 and Corrections.

Sect. 13. Overseers of the Poor and all other municipal
2 officers charged with the administration of pauper funds,
3 shall keep full and accurate records of the persons assisted,
4 including travellers and vagrants fed or lodged at the ex-
5 pense of their respective towns, together with the amount
6 paid by them for such assistance, in the form prescribed
7 by the State Board of Charities and Corrections, and shall
8 report such facts quarterly on the last days of March, June,
9 September and December or within 30 days thereafter to
10 their respective district boards of infirmary trustees. Said
11 boards of trustees shall include such summary of these facts
12 in their annual report to the State Board of Charities and
13 Corrections as the said State Board may prescribe, and the

14 said State Board shall consolidate and include the same in its
15 annual report to the Legislature.

Sect. 14. The board of trustees of each infirmary shall endeavor to provide suitable employment adapted to their strength for the inmates of the infirmary under their charge who are able to labor and shall have authority to require that all such persons shall apply themselves with reasonable diligence at the tasks to which they are set.

Sect. 15. The members of the several boards of trustees herein created shall serve without compensation except that they shall be entitled to reimbursement for their reasonable and necessary travelling and other expenses, which shall be paid out of any moneys appropriated for the maintenance of the infirmaries under their charge.

Sect. 16. Overseers of the poor of the several cities, towns and plantations of the state shall not expend more than \$25 in any one three months for the support or assistance of any poor person or family in their respective towns except in emergencies or for medical attendance without the approval of the trustees of the infirmary of the district in which the town is located.

Sect. 17. Each city, town or plantation situated in a district composed of more than one municipality and liable for the support of its poor under the provisions of Chap. 29, Revised Statutes of 1916, and the state in case of state paupers or beneficiaries shall pay to the said infirmaries for each person cared for therein having legal settlement in said

7 city, town, or plantation, the average per capita maintenance
8 cost as determined by the board of trustees with the approval
9 of the State Board of Charities and Corrections, provided
10 that when said infirmary has been in operation for a suffi-
11 cient length of time the basis for determining such average
12 per capita cost shall be the experience of the preceding year.
13 Said payments shall be due and payable on the last days of
14 March, June, September and December of each year and
15 shall be collected by the superintendent of the infirmary to
16 which due. Should any town fail to make payment of any
17 amount due within thirty days after being duly notified
18 thereof by the superintendent then the said amount shall
19 draw interest at the rate of six per cent per annum until
20 paid and shall be added to and collected as a part of the
21 county tax of said town assessed as of April first next fol-
22 lowing the time when it failed to make the said payment or
23 payments.

Sect. 18. No member of any board of infirmary trustees
2 or any officer, employee, or agent thereof, shall be directly
3 or indirectly interested in any contract for the purchase of
4 land for, or the building, altering, or repairing of any dis-
5 trict infirmary, or for furnishing supplies or materials for
6 the same.

Sect. 19. Any official or person who shall wilfully fail,
2 neglect or refuse to perform any of the duties imposed upon
3 him by the provisions of this act, shall be fined not more
4 than five hundred dollars, or be imprisoned not more than
5 six months.

Sect. 20. It shall be the duty of the several county attorneys within their respective counties when so requested by said boards of trustees to furnish such legal assistance, council, or advice as said boards may require in the discharge of their duties.

Sect. 21. So much of Chapter 29 of the Revised Statutes, 1916, and of all other acts or parts of acts as are inconsistent herewith are hereby repealed.