

MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

HOUSE

NO. 120

House of Representatives, February 15, 1921.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Maxwell of East Livermore.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE

AN ACT to Change the Time of Holding the Annual Meeting of the Town of East Livermore, to Enlarge the Powers and Duties of the Selectmen, to Abolish Certain Offices and to Provide for the Administration of Town Affairs.

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

Section 1. The annual meeting of the town of East Livermore shall be held on the fourth Monday of January, beginning with the year nineteen hundred and twenty-two, and the fiscal year for said town shall begin on January 5 first, nineteen hundred and twenty-two.

Sect. 2. The nomination of the candidates for elective offices provided for by this act shall be by petitions. Each

3 petition shall be signed by twenty-five qualified voters of
 4 the town. No voter shall sign petitions for more than one
 5 candidate for each office to be filed at the election, and in
 6 case he does so his signature shall be void as to the petition
 7 or petitions last filed.

Sect. 3. There shall be attached to each nomination peti-
 2 tion an affidavit of the circulator thereof, stating the num-
 3 ber of signers of such petition and that each signature ap-
 4 pended thereto was made in his presence and is the genuine
 5 signature of the person whose name it purports to be and
 6 that said person is a qualified voter of the town of East
 7 Livermore. The form of the nomination petition shall be
 8 substantially as follows:

We the undersigned electors of the town of East Liver-
 2 more, hereby nominate.....whose residence is
 3for the office of.....to be
 4 voted for at the election to be held in the town of East
 5 Livermore on the fourth Monday of January.....and
 6 we each certify that we are qualified to vote for a candi-
 7 date for the above office and that we have not signed more
 8 nomination petitions of candidates for this office than there
 9 are persons to be elected thereto.

Name.....Place of residence.....
being duly sworn, says that he is the
 2 circulator of the foregoing petition paper containing.....
 3 signatures, and that the signatures appended thereto were

4 made in his presence and are the signatures of the persons
5 they purport to be.

.....

Subscribed and sworn to before me this.....day
2 of.....,

Sect. 4. The nomination papers comprising a petition shall
2 be assembled and filed with the town clerk as one instru-
3 ment, not earlier than ten days before nor later than three
4 days before the day of election.

Sect. 5. Specimen ballots and official ballots for use in
2 all town elections shall be provided by the town clerk. They
3 shall be free from party mark or designation. The full
4 name of each candidate shall be given and at the right of
5 each name shall be a square within which the voter shall
6 place a cross to designate his choice. Blank spaces shall
7 be left at the end of the list of the candidates for each office,
8 in which the voter may insert the name of any person not
9 printed on the ballot, for whom he desires to vote.

The ballot shall be printed substantially as follows:

Town of East Livermore

Annual Town Election

Date

Official Ballot

Instructions to Voters

To vote for any candidate make a cross (X) in the square
2 at the right of the name.

Selectmen

For Superintending School Committee

Mark a cross (X) in the square at the right of your answer

Sect. 6. The provisions of the law of the state of Maine
2 relating to the qualifications of electors, registration, man-
3 ner of voting, the duties of election officers and all other
4 particulars in respect to management of elections, so far
5 as they may be applicable, shall govern all town elections
6 for the town of East Livermore under this act except as
7 otherwise provided herein.

Sect. 7. At the first annual meeting following the ac-
2 ceptance of this act, the voters shall elect by ballot five
3 selectmen who shall hold office, two for the term of three
4 years, two for the term of two years and one for the term
5 of one year. At each annual meeting thereafter there shall
6 be elected in place of those selectmen whose terms are about
7 to expire an equal number of selectmen, each to serve for
8 three years. The selectmen so elected shall so soon as may
9 be after their election and annually thereafter choose a chair-
10 man and organize for the proper conduct of their duties.
11 The town clerk hereinafter provided shall act as clerk of
12 said board and keep a record of its doings. The selectmen
13 shall serve until their successors are elected and qualified.
14 If for any reason whatsoever a vacancy or vacancies occur
15 in the membership of the board of selectmen, the remaining
16 members shall call a special town meeting to fill the vacancy
17 or vacancies for the unexpired term or terms, except that
18 if such vacancy or vacancies occur less than three months
19 prior to the annual meeting and not less than three select-
20 men remain in office, the vacancy or vacancies shall remain

21 unfiled until such annual meeting. The selectmen so elected
22 shall be held to be and shall act as the overseers of the poor
23 and surveyors of the highways of the town with all the
24 powers and subject to all the duties conferred or imposed
25 by law upon overseers of the poor and surveyors of high-
26 ways. The board of selectmen under this act shall hold
27 monthly meetings, and such adjourned or intermediate meet-
28 ings as may become necessary. Said monthly meetings shall
29 be held on the first Monday of the month. The selectmen
30 shall serve without pay except that each member shall re-
31 ceive two dollars for each monthly meeting actually attended
32 by him.

Sect. 8. Upon the election and qualification of said five
2 selectmen as provided in section two, all the powers, rights,
3 duties and liabilities conferred or imposed by the charter
4 of the Livermore Falls water district upon the trustees of
5 said district and by the charter of Livermore Falls sewer
6 district upon trustees of said sewer district, shall be trans-
7 ferred to and conferred or imposed upon said selectmen.
8 The aforesaid transfer of rights, duties and liabilities shall
9 not affect any liabilities incurred, contract made, fine, spe-
10 cial assessment, rate, penalty, forfeiture or tax imposed.
11 Before such transfer or any suit or other proceeding then
12 pending; and said selectmen shall in all respects and for all
13 purposes whatsoever be the lawful successors of said
14 trustees.

Sect. 9. At the annual meeting beginning with the year

2 nineteen hundred and twenty-two there shall be also elected
3 by ballot a superintending school committee from the in-
4 habitants of the town consisting of five members who shall
5 hold office, two for the term of three years, two for the
6 term of two years and one for the term of one year. At
7 each succeeding annual meeting there shall be so chosen
8 for the term of three years one or more in place of those
9 of said committee whose term is about to expire. When-
10 ever for any cause a vacancy in the superintending school
11 committee shall occur, the board of selectmen by a major-
12 ity vote shall appoint for the unexpired term, a resident of
13 said town. Said superintending school committee shall have
14 all the powers, and shall perform all the duties in regard
15 to the care and management of the public schools of the
16 town which are now conferred and imposed upon the super-
17 intending school committee by the laws of this state, except
18 as otherwise provided in this act.

Sect. 10. The selectmen first elected as provided in sec-
2 tion two of this act shall forthwith appoint three suitable
3 persons as assessors and who, upon their appointment, shall
4 organize for the proper conduct of their duties. One of
5 said persons shall be appointed for the term of one year,
6 one for the term of two years, and one for the term of
7 three years; and annually thereafter there shall be appointed
8 by the selectmen an assessor for the term of three years
9 in place of the assessor whose term is about to expire. Said
10 assessors shall serve until their successors are elected and

11 qualified. If for any reason whatsoever a vacancy occurs
12 in the membership of said assessors, the vacancy shall be
13 filled forthwith by the selectmen, for the unexpired term.
14 Upon the appointment and qualification of said assessors,
15 the existing elective offices of assessors of the town shall
16 cease and be determined. The assessors so appointed shall
17 enjoy all the powers and rights, and be subject to all the
18 duties and liabilities conferred or imposed by law upon as-
19 sessors of towns, whether now existing or hereafter cre-
20 ated. Before entering upon the duties of their office, the
21 assessors shall be sworn to the faithful and impartial per-
22 formance of the duties thereof by the chairman of the
23 selectmen or by the town clerk or by a justice of the peace,
24 and shall receive for their services three dollars per day
25 for time they are actually engaged in the duties of the office.

Sect. 11. The selectmen elected as provided in section two
2 shall appoint, as soon as practicable, a person suitably quali-
3 fied to the office of town clerk. The existing elective office
4 of town clerk shall be continued until the person so ap-
5 pointed to said office of town clerk shall have qualified, at
6 which time said elective office of town clerk shall cease and
7 be determined. Said town clerk shall occupy an office pro-
8 vided by the town and be at said office continuously during
9 business hours. He shall do the clerical work usually done
10 by the board of selectmen, assessors and overseers of the
11 poor, keep the books of the Livermore Falls water district
12 and the books of the Livermore Falls sewer district and

13 collect the water rentals for said water district and sewer
14 charges and taxes, if any, for said sewer district. Said
15 town clerk shall enjoy all the powers and rights and be
16 subject to all the duties and liabilities conferred or imposed
17 by law upon town clerks, whether now existing or hereafter
18 created and shall hold office for one year from the date of
19 his appointment and until his successor is appointed and
20 qualified except that he may be removed from office at any
21 time by said board of selectmen for cause. In case of a
22 vacancy in said office the selectmen shall forthwith fill said
23 vacancy for the unexpired term. Said town clerk shall
24 be sworn to the faithful performance of his duties by the
25 chairman of the selectmen or a justice of the peace and
26 give such bond as collector for said water and sewer dis-
27 tricts as shall be approved by said board of selectmen.

Sect. 12. The selectmen first elected as provided in sec-
2 tion two shall, so soon as may be after their election and
3 annually thereafter, appoint the town clerk appointed under
4 the preceding section, to be tax collector of said town of
5 East Livermore. Said tax collector so appointed shall enjoy
6 all the powers and rights, and be subject to all the duties
7 and liabilities conferred or imposed by law upon tax col-
8 lectors of towns, whether now existing or hereafter created.
9 Said tax collector shall receive for his services such sum
10 as may be determined by said board of selectmen. He shall
11 give bond as tax collector as provided by law.

Sect. 13. The selectmen elected as provided in section

2 two of this act, shall, so soon as may be after the annual
3 town meeting appoint from the residents of the town a
4 suitable person as town treasurer of said town of East
5 Livermore and upon his appointment and qualification the
6 elective office of town treasurer shall cease and be deter-
7 mined. Said town treasurer so appointed shall enjoy all
8 the powers and rights and be subject to all the duties and
9 liabilities conferred or imposed by law upon town treas-
10 urers whether now existing or hereafter created.

Sect. 14. So soon as may be after the holding of the
2 annual town meeting as provided for by this act an auditor
3 and all other town officials required by the general laws
4 of the state and not herein authorized shall be appointed
5 for the town of East Livermore by the board of selectmen
6 elected as provided by section two of this act. Said offi-
7 cials so appointed shall enjoy all the powers and rights and
8 be subject to all the duties and liabilities conferred or im-
9 posed by law upon such officials when elected or appointed
10 under the general law. Upon the appointment and quali-
11 fication of said officials the existing elective offices so super-
12 seded shall cease and be determined.

Sect. 15. The selectmen elected as provided in section
2 two may annually appoint a board of three persons, who
3 shall be residents of said town of East Livermore, to be
4 known as the board of relief. Said board, subject to the
5 direction and supervision of the selectmen, shall perform
6 the duties and exercise the powers of overseers of the poor

7 of said town. The members of said board of relief shall
8 not receive any salary for services rendered by them.

Sect. 16. The selectmen elected as provided in section
2 two shall appoint annually, as early as practicable, a general
3 manager who shall be the administrative head of all de-
4 partments of the town government, the conduct of which
5 is by the general laws and by this act placed upon the select-
6 men of said town, except as provided otherwise in this act.
7 Said general manager shall be subject to the direction and
8 supervision and shall hold office at the will of the select-
9 men of said town, and he may or may not be a resident of
10 the town of East Livermore at the time of his appoint-
11 ment. Before entering upon the duties of his office, the
12 general manager shall be sworn to the faithful performance
13 thereof by the chairman of the selectmen or by a justice
14 of the peace. He shall execute a bond in favor of the town
15 for the faithful performance of his duties in such sum and
16 with such surety or sureties as may be fixed or approved
17 by the selectmen.

Sect. 17. The selectmen, by a majority vote, may remove
2 the general manager by filing a written statement with the
3 town clerk setting forth in detail the specific reasons for
4 his removal, a copy of which statement shall be delivered
5 or mailed to said general manager. Such removal shall not
6 take effect, however, until the expiration of five days from
7 the filing of said statement with the town clerk, but if so
8 recited in such statement the general manager shall be sus-

9 pended forthwith from his said office. If the general man-
10 ager so requests within said five-day period, a hearing shall
11 be given him by the selectmen, and in such event the removal
12 of said general manager shall not take effect until a written
13 decision following said hearing shall have been filed with
14 the town clerk. Such decision by the majority of the select-
15 men shall be final.

Sect. 18. Any vacancy in the office of general manager
2 shall be filled as soon as may be by the selectmen. Pending
3 the appointment of a general manager or the filling any
4 vacancy the selectmen may appoint a person to perform tem-
5 porarily the duties of said office.

Sect. 19. The powers, duties and liabilities now conferred
2 and imposed upon the school committee with respect to the
3 repair of all school buildings and the purchase of sup-
4 plies thereof, except books and incidental supplies, are here-
5 by withdrawn from said school committee and conferred
6 and imposed upon the selectmen, and the exercise of said
7 powers and the performance of said duties shall be dele-
8 gated by the board of selectmen to the general manager, as
9 provided in this act. It shall be the duty of said school
10 committee to notify the general manager or board of select-
11 men when supplies or repairs are needed, and such supplies
12 shall be furnished and repairs made upon proper requisi-
13 tions thereof by said school board and be approved by the
14 board of selectmen.

Sect. 20. The general manager and town clerk and town

2 treasurer shall each receive such salary as may be fixed by
3 the board of selectmen.

Sect. 21. The selectmen elected as provided in section
2 two shall appoint, as soon as may be, from the residents
3 of said town of East Livermore, nine persons who shall
4 serve and be known as the finance commission. The mem-
5 bers of said commission shall hold office, three until the
6 expiration of three years, three until the expiration of two
7 years, and three until the expiration of one year from the
8 date of their appointment. Thereafter three such finance
9 commissioners shall be appointed annually so soon as may
10 be after the holding of the annual town meeting, to serve
11 for the term of three years. The members of the finance
12 commission shall serve until their successors are appointed
13 and qualified and shall not receive any salary. They shall
14 be sworn to a faithful performance of their duties by the
15 town clerk or a justice of the peace.

Sect. 22. If for any reason whatsoever a vacancy occurs
2 in the finance commission, it shall be the duty of the remain-
3 ing member or members of the commission to give notice
4 forthwith of such vacancy or vacancies to the selectmen.
5 The selectmen shall within ten days from the receiving of
6 such notice appoint one or more persons, as the case may
7 be, from the residents of the town to fill the vacancy or
8 vacancies for the unexpired term or terms.

Sect. 23. It shall be the duty of all boards, commissions,
2 and officers having to do with the expending of the funds

3 of the town, on or before the thirty-first day of December
4 of each year to furnish all information in their possession
5 relative to their departments and submit to said finance com-
6 mission in writing, a detailed estimate of the appropriations
7 required for the efficient and proper conduct of their re-
8 spective departments during the next ensuing year.

Sect. 24. Not later than the second Monday of January
2 of the current year the finance commission shall determine
3 and fix the amounts of the appropriations for the current
4 year and make report of said sums to the board of select-
5 men of the town.

Sect. 25. The findings of the finance commission as to
2 the various sums that should be raised by the town for its
3 requirements for the current year shall be submitted to the
4 qualified voters of the town for approval at a special meet-
5 ing to be held on the first Monday of March, nineteen hun-
6 dred and twenty-two and thereafter at the annual town
7 meeting to be held on the fourth Monday of January as
8 provided for by this act. The vote or votes shall be taken
9 by ballot in answer to the following question: "Shall the
10 sum fixed and determined in the budget of the finance com-
11 mission for highways for the current year be raised?" A
12 similar question shall be propounded as to each item or
13 sum forming a part of the budget. A majority of all votes
14 cast upon any item shall determine whether the sum pro-
15 posed in said item shall be raised.

Sect. 26. The selectmen under this act may call special

2 town meetings as provided by the general law but no sum
3 or sums of money shall be raised at such meetings except
4 it first be recommended by said finance commission.

Sect. 27. Chapter three hundred and ninety of the private
2 and special laws of nineteen hundred and seven relating to
3 the formation of the Livermore Falls water district and
4 chapter two hundred and eighty-nine of the private and
5 special laws of nineteen hundred and seven relating to the
6 formation of the Livermore Falls sewer district and all
7 amendments of either of them are hereby amended to con-
8 form to the provisions hereof.

Sect. 28. This act shall be submitted to the qualified voters
2 of the town of East Livermore for acceptance at a special
3 meeting which shall be called by the selectmen, and shall
4 be on the first Monday of September in the year nineteen
5 hundred and twenty-one. The vote shall be taken by ballot
6 in answer to the following question: "Shall an act passed
7 by the legislature in the year nineteen hundred and twenty-
8 one entitled an act to change the annual meeting of the
9 town of East Livermore, to enlarge the powers and duties
10 of selectmen, to abolish certain offices, and to provide for
11 the administration of town affairs, be accepted?" which shall
12 be called, notified and held in the manner provided by law
13 for holding town meetings. If this act shall be accepted
14 by a majority of the qualified voters voting thereon, it shall
15 take effect upon its acceptance for the next annual meeting
16 which shall be held on the fourth Monday of January in

17 the year nineteen hundred and twenty-two as herein pro-
18 vided. All acts and parts of acts not consistent herewith
19 are hereby repealed.