

# MAINE STATE LEGISLATURE

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NEW DRAFT

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EIGHTY - SEVENTH LEGISLATURE

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Legislative Document

No. 781

H. P. 1761

House of Representatives, March 19, 1935.

Reported by Mr. Higgins from Committee on Legal Affairs and laid on table to be printed under Joint Rules.

HARVEY R. PEASE, Clerk.

NEW DRAFT OF H. P. 1144, L. D. 332

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-FIVE

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AN ACT Relating to a Superintending School Committee for the Town of  
Mount Desert.

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

**Sec. 1. P. & S. L., 1929, c. 97, § 2, amended.** Section 2 of chapter 97 of the private and special laws of 1929 is hereby amended to read as follows:

**‘Sec. 2. Officers.** At such meetings as provided in section 1, the voters shall then choose, by ballot, as provided in chapter 191, of the private and special laws for the year 1917, 5 or 7 inhabitants of said town to be selectmen and overseers of the poor, a treasurer and collector of taxes, auditor of accounts, a **superintending school committee** and a board of 3 assessors of taxes, 1 for a term of 1 year, 1 for a term of 2 years, and 1 for a term of 3 years, and thereafter at each of said annual meetings, shall elect 1 said assessor of taxes for a term of 3 years. All other necessary town officers, including a town manager, shall be appointed as herein provided.’

**Sec. 2. P. & S. L., 1929, c. 97, § 5, amended.** Section 5 of said chapter is hereby amended to read as follows:

**Sec. 5. Powers and duties of selectmen; meetings.** Said selectmen, elected as herein provided, shall serve instead of the ~~superintending school committee~~, overseers or overseer of the poor, board of road commissioners, road commissioner or road commissioners as provided for by general statute, and shall have the same powers in relation to ~~the schools of said town~~, the poor of said town, and the construction and repairs of roads, bridges and sidewalks of said town, as the ~~superintending school committee~~, overseers or overseer of the poor and board of road commissioners, road commissioner or commissioners and municipal officers have under general statutes, and be subject to the same duties in relation thereto. Said selectmen shall meet regularly once each week during their term of office at such time as they may designate at their organization meeting, provided for in section 4, and a majority of said selectmen shall constitute a quorum for the transaction of business. Special meetings of said selectmen may be called by the chairman of said selectmen or by a majority of all the members of said selectmen. Notice of such special meetings shall be served upon or left at the usual dwelling place of each selectman and the town manager.'

**Sec. 3. P. & S. L., 1929, c. 97, § 7, amended.** Section 7 of said chapter is hereby amended to read as follows:

**Sec. 7. Shall appoint town manager; health officer; superintendent of roads.** Said selectmen shall, by ballot by majority vote, not later than at the 3rd regular meeting of said selectmen, after said organization meeting, appoint ~~a superintendent of schools~~, a town manager, said office of town manager being hereby created, and a health officer, none of whom shall be a member of said board of selectmen. The ~~superintendent of schools and town manager~~ at the time of ~~their~~ his appointment need not be ~~citizens~~ a citizen of the town of Mount Desert or the state of Maine. The selectmen may, when a vacancy exists in the office of town manager, ~~or superintendent of schools~~, appoint said town manager ~~or superintendent of schools~~ for a term not exceeding 3 years ~~except that the superintendent of schools shall be appointed as now provided by statute~~. Said selectmen, as overseers of the poor, as herein provided, may authorize the town manager, at the time of his appointment aforesaid, or at any time thereafter to be clerk or agent for them as said overseers of the poor to sign and send the written notices and written answers referred to in section 35 and 36 of chapter 29 of the revised statutes, and acts additional thereto and amendatory thereof, and such written notices and written answers shall

have the same effect as if signed by the members of the selectmen, as overseers of the poor, themselves. Said town manager shall, on and after his appointment as aforesaid, be the superintendent of roads of said town.'

**Sec. 4. P. & S. L., 1929, c. 97, § 9, amended.** Section 9 of said chapter is hereby amended to read as follows:

**'Sec. 9. Tenure of office.** All appointed officers and boards shall hold office at the pleasure of the appointing power, except that of town manager, **and health officer and superintendent of schools.** The town manager and health officer can only be removed upon written charges and a public hearing before the selectmen, upon the question previous to the date of their removal, but pending such hearing the selectmen may suspend them from office. ~~The superintendent of schools can not be removed except as provided by general statute pertaining to the removal of superintendent by school committees.'~~

**Sec. 5. Superintending school committee.** At its first annual meeting after this act becomes effective, the town shall choose by ballot a superintending school committee as provided in section 34 of chapter 19 of the revised statutes.

**Sec. 6. Effective date of act.** This act shall not become operative until it is ratified by the town of Mount Desert at an annual town meeting called by a warrant containing an article for that purpose, or at a special town meeting called by a warrant containing an article for the purpose; and when so ratified, shall take effect at once; except that the superintending school committee of the town, as now constituted, shall continue as such superintending school committee until the superintending school committee above provided for shall have been elected and qualified.