

# MAINE STATE LEGISLATURE

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N I N E T Y - T H I R D   L E G I S L A T U R E

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Legislative Document

No. 849

H. P. 1176

House of Representatives, February 13, 1947.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Curtis of Bowdoin by request.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-SEVEN

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**AN ACT Relating to Removal of Superintendents of State Institutions.**

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

Sec. 1. R. S., c. 23, § 96, amended. Section 96 of chapter 23 of the revised statutes is hereby amended by adding at the end thereof a new paragraph, to read as follows:

"The superintendent of state institutions within the jurisdiction of the department of institutional service may be removed by the commissioner, with the approval of the governor and council, for inefficiency, failure to perform duties properly or other good cause. The superintendent shall be notified of the proposed action, shall be furnished with a copy of the reasons therefor and shall be given a hearing before the commissioner and the governor and council, and be allowed to answer the charges preferred against him, either personally or by counsel. Within 20 days after such hearing the superintendent may bring a petition in the superior court within and for the county where the institution is located, praying that the action of the commissioner and the governor and council may be reviewed by the court, and, after such notice to the commissioner and the governor and council as the court deems necessary, it shall review such action, hear the witnesses, and shall affirm the decision of the commissioner and the

**governor and council unless it shall appear that such decision was made without proper cause or in bad faith, in which case such decision shall be reversed and the petitioner be reinstated in his office without loss of compensation. The decision of the court shall be final.'**

**Sec. 2. R. S., c. 23, § 103, repealed.** Section 103 of chapter 23 of the revised statutes is hereby repealed.