

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Transmitted by Director of Legislative Research pursuant to joint order.

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

Legislative Document

No. 708

H. P. 1121

House of Representatives, February 14, 1951

Referred to the Committee on Legal Affairs, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mrs. Hanson of Lebanon.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT Relating to the Ogunquit Village Corporation.

Emergency preamble. Whereas, the annual meeting of the Ogunquit Village Corporation is in April; and

Whereas, in order to properly manage the affairs of the corporation for the year 1951 it is necessary that the following changes in its charter be made; and

Whereas, unless passed as an emergency measure, the provisions of this act will not become effective until the greater part of the year 1951 has gone by; and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. P. & S. L., 1913, c. 203, § 6, amended. The 1st sentence of section 6 of chapter 203 of the private and special laws of 1913 is hereby repealed and the following enacted in place thereof:

'The officers of said corporation shall be a clerk, who shall be a resident within the limits of said corporation, a treasurer, and 5 overseers, who shall also be residents within the limits of said corporation, who shall be chosen by ballot, and such other officers as the by-laws of said corporation may require. Said overseers shall receive a salary of \$1 per year.'

Sec. 2. P. & S. L., 1913, c. 203, § 8, amended. Section 8 of chapter 203 of the private and special laws of 1913 is hereby repealed and the following enacted in place thereof:

'Sec. 8. Municipal officers of corporation; appointment of village corporation manager. Said overseers shall be the general municipal officers of said corporation, and shall appoint a village corporation manager who shall not be a member of the overseers and he may or may not be a resident of the Ogunquit Village Corporation at the time of his appointment and who shall have general charge of its affairs and of the expenditure of all money therein, except so far as the same may be committed to other officers or persons. Said overseers shall by majority, as soon as may be after the organization meeting, appoint a corporation manager.'

Sec. 3. P. & S. L., 1913, c. 203, additional. Chapter 203 of the private and special laws of 1913 is hereby amended by adding thereto a new section to be numbered 14, to read as follows:

'Sec. 14. Powers and duties of corporation manager. The corporation manager shall be chosen by the overseers solely on the basis of his executive and administrative qualifications and his knowledge of road construction, and he shall be the administrative head of the corporation government, and shall be responsible to the overseers for the administration of all departments of the corporation over which the overseers have control under this act, and the general statutes, and his powers and duties, where not otherwise herein provided, shall be generally as follows:

- (a) To see that the laws and ordinances are enforced.
- (b) To exercise control over all departments now created or that may be hereafter created, either by general law, ordinance or by-law.
- (c) To act as purchasing agent for all departments of the corporation, and to submit to competitive bids any transaction involving more than \$100, if a majority of the overseers so orders.
- (d) To attend the meetings of the overseers, except when his removal

is being considered, and recommend for adoption such measures as he may deem expedient.

(e) To keep the overseers fully advised as to the business, financial condition and future needs of the corporation.

(f) To perform such other duties as may be prescribed by the overseers.'

Sec. 4. P. & S. L., 1913, c. 203, additional. Chapter 203 of the private and special laws of 1913 is hereby amended by adding thereto a new section to be numbered 15, to read as follows:

'Sec. 15. Duties as purchasing agent. As purchasing agent of said corporation, the corporation manager shall purchase all supplies and materials for the corporation and for the several departments, and shall see to the delivery of such supplies and materials to each department, and shall take and file receipts thereof; and all accounts for the purchase of supplies and materials and work performed for said corporation shall bear the approval of the corporation manager when presented to the overseers for payment.'

Sec. 5. P. & S. L., 1913, c. 203, additional. Chapter 203 of the private and special laws of 1913 is hereby amended by adding thereto a new section to be numbered 16, to read as follows:

'Sec. 16. Salary; fees. The corporation manager shall devote his entire time to his said office, and shall receive for his services a rate of compensation to be fixed by the overseers and the actual and necessary expenses incurred in the performance of his duties, to be paid by the corporation treasurer in monthly payments on the first day of each month. He shall maintain an office at such place as the overseers deem advisable and shall be provided with such clerical assistance as the overseers may decide. All fees collected by the corporation manager while in the performance of his duties in every capacity shall be the property of the corporation and shall be turned over to its treasurer.'

Sec. 6. P. & S. L., 1913, c. 203, additional. Chapter 203 of the private and special laws of 1913 is hereby amended by adding thereto a new section to be numbered 17, to read as follows:

'Sec. 17. Officers to be sworn. All corporation officers elected or appointed shall be sworn to the faithful performance of the duties of their respective offices by a justice of the peace or notary public.'

Sec. 7. P. & S. L., 1913, c. 203, additional. Chapter 203 of the private and special laws of 1913 is hereby amended by adding thereto a new section to be numbered 18, to read as follows:

'Sec. 18. Payments from treasury limited. No money shall be paid out of the corporation treasury except by order issued and signed by a majority of the overseers or their representative authorized for the purpose and presented to the treasurer of said corporation at the time of payment.'

Sec. 8. P. & S. L., 1913, c. 203, additional. Chapter 203 of the private and special laws of 1913 is hereby amended by adding thereto a new section to be numbered 19, to read as follows:

'Sec. 19. Bonds of officials. The overseers of said corporation shall require a bond from a surety company satisfactory to said overseers, from all persons trusted with the collection, custody or disbursement of any of the moneys of said corporation, in such form as they deem sufficient. The premiums on said bonds shall be paid by the corporation.'

Emergency clause; effective date; referendum. In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the Ogunquit Village Corporation at the annual corporation meeting held in April, 1951, or at a special meeting called and held for the purpose not later than 4 months after the approval of this act. Such special meeting shall be called, advertised and conducted according to the law relating to municipal elections and in accordance with the charter of the Ogunquit Village Corporation. The corporation clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: "Shall 'An Act Relating to the Ogunquit Village Corporation,' passed by the 95th legislature, be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. The result shall be declared by the overseers of the corporation and due certificate thereof filed by the corporation clerk with the secretary of state. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters of said village corporation voting at said meeting.