

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eightieth Legislature

OF THE

STATE OF MAINE

1921

Including Acts and Resolves of the Special Session held in 1920.

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eightieth
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CHAP. 114

offices, any trial justices shall have and exercise the same jurisdiction, as though this said municipal court had never been established; and all actions entered and pending before any trial justice, at the time said judge and recorder of said court enter upon the duties of their office as aforesaid, shall be finally disposed of by said trial justices; and nothing in this act shall be construed to interfere with such actions returnable before a trial justice as shall be commenced before this act takes effect.

Sec. 19. Recorder's bond; judge or recorder not to act as counsel in causes within jurisdiction of court. Before entering upon the duties of his office, the recorder shall give a bond to the County of Washington in the sum of five hundred dollars, to be approved by the county commissioners of said county. The condition of said bond shall be the faithful performance of the duties of his office.

Neither the judge nor recorder shall act as attorney nor give counsel in any cause or matter within the exclusive jurisdiction of said court.

Approved April 5, 1921.

Chapter 114.

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:

Sec. 1. Date of annual meeting. 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 first, nineteen hundred and twenty-two.

Sec. 2. Nomination of elective officers to be by petition. The nomination of the candidates for elective offices provided for by this act shall be by petitions. Each petition shall be signed by twenty-five qualified voters of the town. No voter shall sign petitions for more than one candidate for each office to be filled at the election, and in case he does so his signature shall be void as to the petition or petitions last filed.

Sec. 3. Form of petition. There shall be attached to each nomination petition an affidavit of the circulator thereof, stating the number of signers of such petition and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be and that said person is a qualified voter of the Town of East Livermore. The form of the nomination petition shall be substantially as follows:

We the undersigned electors of the Town of East Livermore, hereby nominate whose residence is for the office of to be voted for at the election to be held in the Town of East Livermore on the fourth Monday of January and we each certify that we are qualified to vote for a candidate for the above office and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name.....Place of residence..... being duly sworn, says that he is the circulator of the foregoing petition paper containing signatures, and that the signatures appended thereto were made in his presence and are the signatures of the persons they purport to be.

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

Sec. 4. Filing of nomination papers. The nomination papers comprising a petition shall be assembled and filed with the town clerk as one instrument, not earlier than ten days before nor later than three days before the day of election.

Sec. 5. Form of ballot. Specimen ballots and official ballots for use in all town elections shall be provided by the town clerk. They shall be free from party mark or designation. The full name of each candidate shall be given and at the right of each name shall be a square within which the voter shall place a cross to designate his choice. Blank spaces shall be left at the end of the list of the candidates for each office, in which the voter may insert the name of any person not 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 at the right of the name.

Selectmen

.....
.....
.....
.....

For Superintending School Committee

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.....

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

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Sec. 6. State election laws applicable. The provisions of the law of the State of Maine relating to the qualifications of electors, registrations manner of voting, the duties of election officers and all other particular, in respect to management of elections, so far as they may be applicable, shall govern all town elections for the Town of East Livermore under this act except as otherwise provided herein.

Sec. 7. Board of selectmen. At the first annual meeting following the acceptance of this act, the voters shall elect by ballot five selectmen who shall hold office, two for the term of three years, two for the term of two years and one for the term of one year. At each annual meeting thereafter there shall be elected in place of those selectmen whose terms are about to expire an equal number of selectmen, each to serve for three years. The selectmen so elected shall so soon as may be after their election and annually thereafter, choose a chairman and organize for the proper conduct of their duties. The town clerk hereinafter provided shall act as clerk of said board and keep a record of its doings. The selectmen shall serve until their successors are elected and qualified. If for any reason whatsoever a vacancy or vacancies occur in the membership of the board of selectmen, the remaining members shall call a special town meeting to fill the vacancy or vacancies for the unexpired term or terms, except that if such vacancy or vacancies occur less than three months prior to the annual meeting and not less than three selectmen remain in office, the vacancy or vacancies shall remain unfilled until such annual meeting. The selectmen so elected shall be held to be and shall act as the overseers of the poor and surveyors of the highways of the town with all the powers and subject to all the duties conferred or imposed by law upon overseers of the poor and surveyors of highways. The board of selectmen under this act shall hold monthly meetings, and such adjourned or intermediate

meetings as may become necessary. Said monthly meetings shall be held on the first Monday of the month. The selectmen shall serve without pay except that each member shall receive two dollars for each monthly meeting actually attended by him.

Sec. 8. Selectmen to take over duties of trustees of Livermore Falls Water District and Livermore Falls Sewer District. Upon the election and qualification of said five selectmen as provided in section two, all the powers, rights, duties and liabilities conferred or imposed by the charter of the Livermore Falls Water District upon the trustees of said district and by the charter of Livermore Falls Sewer District upon trustees of said sewer district, shall be transferred to and conferred or imposed upon said selectmen. The aforesaid transfer of rights, duties and liabilities shall not effect any liabilities incurred, contract made, fine, special assessment, rate, penalty, forfeiture or tax imposed. Before such transfer or any suit or other proceeding then pending said selectmen shall in all respects and for all purposes whatsoever be the lawful successors of said trustees.

Sec. 9. School Committee. At the annual meeting beginning with the year nineteen hundred and twenty-two there shall be also elected by ballot a superintending school committee from the inhabitants of the town consisting of three members who shall hold office, one for the term of three years, one for the term of two years, and one for the term of one year. At each succeeding annual meeting there shall be so chosen for the term of three years a member in place of the member of said committee whose term is about to expire. Whenever for any cause a vacancy in the superintending school committee shall occur, the board of selectmen by a majority vote shall appoint for the unexpired term, a resident of said town. Said superintending school committee shall have all the powers, and shall perform all the duties in regard to the care and management of the public schools of the town which are now conferred and imposed upon the superintending school committee by the laws of this state, except as otherwise provided in this act.

Sec. 10. Assessors of taxes. The selectmen first elected as provided in section two of this act shall forthwith appoint three suitable persons as assessors and who, upon their appointment, shall organize for the proper conduct of their duties. One of said persons shall be appointed for the term of one year, one for the term of two years, and one for the term of three years; and annually thereafter there shall be appointed by the selectmen an assessor for the term of three years in place of the assessor whose term is about to expire. Said assessors shall serve until their successors are elected and qualified. If for any reason whatsoever a vacancy

CHAP. 114

occurs in the membership of said assessors, the vacancy shall be filled forthwith by the selectmen, for the unexpired term. Upon the appointment and qualification of said assessors, the existing elective offices of assessors of the town shall cease and be terminated. The assessors so appointed shall enjoy all the powers and rights, and be subject to all the duties and liabilities conferred or imposed by law upon assessors of towns, whether now existing or hereafter created. Before entering upon the duties of their office, the assessors shall be sworn to the faithful and impartial performance of the duties thereof by the chairman of the selectmen or by the town clerk or by a justice of the peace, and shall receive for their services three dollars per day for time they are actually engaged in the duties of the office.

Sec. 11. Town clerk. The selectmen elected as provided in section two shall appoint, as soon as practicable, a person suitably qualified to the office of town clerk. The existing elective office of town clerk shall be continued until the person so appointed to said office of town clerk shall have qualified, at which time said elective office of town clerk shall cease and be terminated. Said town clerk shall occupy an office provided by the town and be at said office continuously during business hours. He shall do the clerical work usually done by the board of selectmen, assessors and overseers of the poor, keep the books of the Livermore Falls Water District and the books of the Livermore Falls Sewer District and collect the water rentals for said water district and sewer charges and taxes, if any, for said sewer district. Said town clerk shall enjoy all the powers and rights and be subject to all the duties and liabilities conferred or imposed by law upon town clerks, whether now existing or hereafter created and shall hold office for one year from the date of his appointment and until his successor is appointed and qualified except that he may be removed from office at any time by said board of selectmen for cause. In case of a vacancy in said office the selectmen shall forthwith fill said vacancy for the unexpired term. Said town clerk shall be sworn to the faithful performance of his duties by the chairman of the selectmen or a justice of the peace and give such bond as collector for said water and sewer districts as shall be approved by said board of selectmen.

Sec. 12. Tax collector. The selectmen first elected as provided in section two shall, so soon as may be after their election and annually thereafter, appoint the town clerk appointed under the preceding section, to be tax collector of said Town of East Livermore. Said tax collector so appointed shall enjoy all the powers and rights, and be subject to all the duties and liabilities conferred or imposed by law upon tax collectors of

towns, whether now existing or hereafter created. Said tax collector shall receive for his services such sum as may be determined by said board of selectmen. He shall give bond as tax collector as provided by law.

Sec. 13. Town treasurer. The selectmen elected as provided in section two of this act, shall, so soon as may be after the annual town meeting appoint from the residents of the town a suitable person as town treasurer of said Town of East Livermore and upon his appointment and qualification the elective office of town treasurer shall cease and be terminated. Said town treasurer so appointed shall enjoy all the powers and rights and be subject to all the duties and liabilities conferred or imposed by law upon town treasurers whether now existing or hereafter created.

Sec. 14. Auditor and other officers not previously provided for. So soon as may be after the holding of the annual town meeting as provided for by this act an auditor and all other town officials required by the general laws of the state and not herein authorized shall be appointed for the Town of East Livermore by the board of selectmen elected as provided by section two of this act. Said officials so appointed shall enjoy all the powers and rights and be subject to all the duties and liabilities conferred or imposed by law upon such officials when elected or appointed under the general law. Upon the appointment and qualification of said officials the existing elective offices so superseded shall cease and be terminated.

Sec. 15. Board of Relief to take over duties of overseers of poor. The selectmen elected as provided in section two may annually appoint a board of three persons, who shall be residents of said Town of East Livermore, to be known as the board of relief. Said board, subject to the direction and supervision of the selectmen, shall perform the duties and exercise the powers of overseers of the poor of said town. The members of said board of relief shall not receive any salary for services rendered by them.

Sec. 16. Office of general manager created; powers and duties. The selectmen elected as provided in section two shall appoint annually, as early as practicable, a general manager who shall be the administrative head of all departments of the town government, the conduct of which is by the general laws and by this act placed upon the selectmen of said town, except as provided otherwise in this act. Said general manager shall be subject to the direction and supervision and shall hold office at the will of the selectmen of said town, and he may or may not be a resident of the Town of East Livermore at the time of his appointment. Before entering upon the duties of this office, the general manager shall be sworn to the faithful performance thereof by the chairman of the selectmen or by a

CHAP. 114

justice of the peace. He shall execute a bond in favor of the town for the faithful performance of his duties in such sum and with such surety or sureties as may be fixed or approved by the selectmen.

Sec. 17. General manager may be removed by selectmen; proceedings. The selectmen, by a majority vote, may remove the general manager by filing a written statement with the town clerk setting forth in detail the specific reasons for his removal, a copy of which statement shall be delivered or mailed to said general manager. Such removal shall not take effect, however, until the expiration of five days from the filing of said statement with the town clerk, but if so recited in such statement the general manager shall be suspended forthwith from his said office. If the general manager so requests within said five-day period, a hearing shall be given him by the selectmen, and in such event the removal of said general manager shall not take effect until a written decision following said hearing shall have been filed with the town clerk. Such decision by the majority of the selectmen shall be final.

Sec. 18. Vacancy in office of general manager, how filled. Any vacancy in the office of general manager shall be filled as soon as may be by the selectmen. Pending the appointment of a general manager or the filling any vacancy the selectmen may appoint a person to perform temporarily the duties of said office.

Sec. 19. Certain duties of school committee, under general law conferred upon selectmen and by them upon general manager. The powers, duties and liabilities now conferred and imposed upon the school committee with respect to the repair of all school buildings and the purchase of supplies thereof, except books and incidental supplies, are hereby withdrawn from said school committee and conferred and imposed upon the selectmen, and the exercise of said powers and the performance of said duties shall be delegated by the board of selectmen to the general manager, as provided in this act. It shall be the duty of said school committee to notify the general manager or board of selectmen when supplies or repairs are needed, and such supplies shall be furnished and repairs made upon proper requisitions thereof by said school board and be approved by the board of selectmen.

Sec. 20. Compensation of general manager, town clerk and treasurer to be fixed by selectmen. The general manager and town clerk and town treasurer shall each receive such salary as may be fixed by the board of selectmen.

Sec. 21. Finance commission of nine persons to be appointed by selectmen. The selectmen elected as provided in section two shall

appoint, as soon as may be, from the residents of said Town of East Livermore, nine persons who shall serve and be known as the finance commission. The members of said commission shall hold office, three until the expiration of three years, three until the expiration of two years, and three until the expiration of one year from the date of their appointment. Thereafter three such finance commissioners shall be appointed annually so soon as may be after the holding of the annual town meeting, to serve for the term of three years. The members of the finance commission shall serve until their successors are appointed and qualified and shall not receive any salary. They shall be sworn to a faithful performance of their duties by the town clerk or a justice of the peace.

Sec. 22. Filling of vacancies on finance commission. If for any reason whatsoever a vacancy occurs in the finance commission, it shall be the duty of the remaining member or members of the commission to give notice forthwith of such vacancy or vacancies to the selectmen. The selectmen shall within ten days from the receiving of such notice appoint one or more persons, as the case may be, from the residents of the town to fill the vacancy or vacancies for the unexpired term or terms.

Sec. 23. Budget estimates to be filed with commission. It shall be the duty of all boards, commissions, and officers having to do with the expending of the funds of the town, on or before the thirty-first day of December of each year to furnish all information in their possession relative to their departments and submit to said finance commission in writing, a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments during the next ensuing year.

Sec. 24. Commission to make budget report. Not later than the second Monday of January of the current year the finance commission shall determine and fix the amounts of the appropriations for the current year and make report of said sums to the board of selectmen of the town.

Sec. 25. Budget report to be submitted to voters at special meeting and at the regular annual meeting. The findings of the finance commission as to the various sums that should be raised by the town for its requirements for the current year shall be submitted to the qualified voters of the town for approval at a special meeting to be held on the first Monday of March, nineteen hundred and twenty-two and thereafter at the annual town meeting to be held on the fourth Monday of January as provided for by this act. The vote or votes shall be taken by ballot in answer to the following question: "Shall the sum fixed and determined in the budget of the finance commission for highways for the current year be raised?" A similar question shall be propounded as to each

CHAP. 115

item or sum forming a part of the budget. A majority of all votes cast upon any item shall determine whether the sum proposed in said item shall be raised.

Sec. 26. No appropriations to be made at special meetings unless recommended by finance commission. The selectmen under this act may call special town meetings as provided by the general law but no sum or sums of money shall be raised at such meetings except it first be recommended by said finance commission.

Sec. 27. P. & S. L., 1907, c. 390; 1907, c. 289; relating to Livermore Falls Water District and Livermore Falls Sewer District, amended to conform. Chapter three hundred and ninety of the private and special laws of nineteen hundred and seven relating to the formation of the Livermore Falls Water District and chapter two hundred and eighty-nine of the private and special laws of nineteen hundred and seven relating to the formation of the Livermore Falls Sewer District and all amendments of either of them are hereby amended to conform to the provisions hereof.

Sec. 28. Subject to local referendum; inconsistent statutes repealed. This act shall be submitted to the qualified voters of the Town of East Livermore for acceptance at a special meeting which shall be called by the selectmen, and shall be on the first Monday of September in the year nineteen hundred and twenty-one. The vote shall be taken by ballot in answer to the following question: "Shall an act passed by the legislature in the year nineteen hundred and twenty-one entitled 'An Act to Change 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 accepted?" which shall be called, notified and held in the manner provided by law for holding town meetings. If this act shall be accepted by a majority of the qualified voters voting thereon, it shall take effect upon its acceptance for the next annual meeting which shall be held on the fourth Monday of January in the year nineteen hundred and twenty-two as herein provided. All acts and parts of acts not consistent herewith are hereby repealed.

Approved April 5, 1921.

Chapter 115.

An Act for the Better Protection of Clams within the Limits of the Towns of Yarmouth, North Yarmouth and Cumberland.

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

Sec. 1. Clams in Yarmouth, North Yarmouth and Cumberland, regulating the taking of. No clams shall be taken from any flats