

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fourth Legislature

OF THE

STATE OF MAINE

1929

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-Fourth  
Legislature

1929

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Sec. 2. P. & S. L., 1927, c. 113, sec. 7; relating to drive to be made annually and regulation relating to drive, amended; leaving of trees, bushes and stumps regulated. Section seven of said act is hereby amended by striking out the first sentence of the second paragraph of said section seven, which reads as follows: "This corporation shall remove all growth on the area flowed by it seasonably to prevent it from falling and being carried away by the water, and in any event within four years of the commencement of said flowage" and inserting in the place of said sentence so stricken out the following: "This corporation shall, within four years from the commencement of flowage, cut and remove all trees, bushes and stumps on the area flowed or to be flowed to such an extent that all such trees, bushes and stumps left on the flowed area shall at all times be at least eight feet below the surface of the water, but in no case shall it be required to remove stumps below the swell of the roots."

Sec. 3. Charter extended. The rights, powers and privileges of the Kennebec Reservoir Company, which were granted by chapter one hundred and thirteen of the private and special laws of nineteen hundred and twenty-seven and as amended by this act, are hereby extended for the period of two years from the date when this act takes effect; and the persons named in said act as hereby amended, their associates, successors and assigns shall have all the rights, powers and privileges that were granted them, or their predecessors, by said act and the amendments thereto contained herein to be exercised in the same manner and for the same purposes as specified in said act as hereby amended.

Approved April 4, 1929.

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## Chapter 97.

An Act to Provide Better Government for the Town of Mount Desert.

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

Sec. 1. Annual town meeting first Monday in March. Annual town meetings shall be held in the town of Mount Desert, in the county of Hancock, on the first Monday of March, in each year, and the voters shall then choose, by ballot, as now provided by law, a moderator and clerk.

Sec. 2. Officers. At such meetings as provided in section one, the voters shall then choose, by ballot, as provided by chapter one hundred and ninety-one, of the private and special laws for the year one thousand nine hundred and seventeen, three, five or seven inhabitants of said town to be selectmen and overseers of the poor, a treasurer and collector of

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taxes, auditor of accounts, and a board of three assessors of taxes, one for a term of one year, one for a term of two years, and one for a term of three years, and thereafter at each of said annual meetings, shall elect one said assessor of taxes for a term of three years. All other necessary town officers, including a town manager, shall be appointed as herein provided.

**Sec. 3. Board of assessors of taxes.** The board of assessors of taxes, provided for in section two, shall serve instead of the assessors of taxes provided for by general statute, and shall have the same powers and be subject to the same duties.

**Sec. 4. Organization of selectmen.** The selectmen elected as herein provided, shall meet within twenty-four hours after their election and shall choose by written ballot, one of their number to be chairman, and one of their number to be clerk or secretary. An affidavit of such choice, signed by all the selectmen, shall be recorded by the town clerk in the records of said town, and thereafter records shall be kept of the doings of all future meetings of said selectmen. Said records shall be deemed public records and shall be open at all times to any citizen of said town.

**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 four, 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. 6. Compensation.** Each selectman shall receive for his services the sum of two hundred dollars in full for his services in whatever capacity rendered, together with his actual and necessary expenses incurred in the

performance of his duties, to be paid monthly by the town treasurer on the first day of every month during his term of office.

**Sec. 7. Shall appoint superintendent of schools; town manager; health officer; town manager superintendent of roads.** Said selectmen shall, by ballot by majority vote, not later than at the third 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 appointment need not be citizens 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 three 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 the written answers referred to in section thirty-five and thirty-six of chapter twenty-nine 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 and sent 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. 8. Town manager to appoint other necessary officers.** All other necessary town officers, now or hereafter provided by general statute or town ordinance, shall be appointed by the town manager, subject to confirmation by the selectmen.

**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, 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. 10. Qualifications of town manager; duties.** The town manager shall be chosen by the selectmen solely on the basis of his executive and

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administrative qualifications and his technical knowledge for road construction, preference in making said appointment to be given to a duly qualified civil engineer when possible, and he shall be the administrative head of the town government, and shall be responsible to the selectmen for the administration of all departments of the town over which the selectmen, under this act, and the general statutes have control, 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 created herein, or that may hereafter be created, either by general law or ordinance.
- (c) To make appointments and removals as provided herein.
- (d) To fix the compensation of his appointees, and designate the times of payment subject to confirmation by said selectmen.
- (e) To act as purchasing agent for all departments of the town.
- (f) To attend the meetings of the board of selectmen, except when his removal is being considered, and recommend for adoption such measures as he may deem expedient.
- (g) To keep the selectmen fully advised as to the business, financial condition and future needs of the town.
- (h) To perform such other duties as may be prescribed by the selectmen.

**Sec. 11. Purchasing agent.** As purchasing agent of said town, the town manager shall purchase all supplies and materials for the town and for the several departments, officers and boards thereof, and shall see to the delivery of such supplies and materials to each department, officers and board, and shall take and file receipts thereof, and all accounts for the purchase of supplies and materials and work performed for said town shall bear the approval of the town manager when presented to the selectmen for payment.

**Sec. 12. Compensation of town manager.** The town manager shall devote his entire time to his said office, and shall receive for his services a sum not to exceed four thousand dollars per year, and actual and necessary expenses incurred in the performance of his duties, to be paid by the town treasurer in monthly payments on the first day of every month.

**Sec. 13. Sworn by clerk.** All town officers elected or appointed shall be sworn by the town clerk to the faithful performance of the duties of his respective office.

**Sec. 14. Compensation of other officers.** When not otherwise provided

herein, or by law, the compensation and fees of officers of said town shall be fixed by vote of the town at its annual meetings.

**Sec. 15. Orders signed by selectmen.** No money shall be paid out of the town treasury except by order issued and signed by a majority of the selectmen of said town and presented to the treasurer of said town at the time of payment.

**Sec. 16. Officer or employee of town not to be interested in any contract.** No officer or employee of the town of Mount Desert, elected or appointed, shall be interested, directly or indirectly in any contract entered into by or on behalf of said town for work, material or equipment, or the purchase thereof, to be furnished to, or performed for said town, and all contracts made in violation thereof are void and the town treasurer is expressly forbidden to pay any money out of the town treasury on account of such contract.

**Sec. 17. Bonds required of persons entrusted with moneys.** The selectmen of said town shall require a bond with sufficient surety or sureties, satisfactory to said selectmen, from all persons entrusted with the collection, custody or disbursement of any of the moneys of said town; and may require such bond from such officials as they may deem advisable.

**Sec. 18. Inconsistent acts repealed.** All acts and parts of acts inconsistent herewith, insofar as they relate to the town of Mount Desert in the county of Hancock are hereby repealed.

**Sec. 19. Act must be ratified at annual town meeting.** This act shall not become operative until it is ratified by said town of Mount Desert, at an annual town meeting, or at a special meeting called by a warrant containing an article for the purpose, and when so ratified shall take effect on the first day of January next, thereafter.

Approved April 4, 1929.

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## Chapter 98.

An Act to Acquire the Property of the Arrowsic Bridge.

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

**Sec. 1. Transfer to state of Arrowsic bridge.** The inhabitants of the town of Arrowsic may, at any legal town meeting called therefor, by a majority vote, transfer and convey to the state, by gift, all of the franchises and property of the Arrowsic bridge, which the inhabitants of said town acquired from the proprietors of the Arrowsic bridge, together with all