

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-sixth Legislature

OF THE

STATE OF MAINE

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1953

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Ninety-sixth Legislature

1953

114 of the private and special laws of 1945, and by chapter 105 of the private and special laws of 1949, is hereby further amended to read as follows:

'Said judge shall receive a salary of ~~\$1,750~~ \$2,250 per year and said recorder shall receive a salary of \$800 per year for all services in criminal and civil cases, to be paid from the treasury of the county of Waldo in monthly payments on the last day of each month.'

Effective August 8, 1953

Chapter 151

AN ACT Amending the Charter of the City of Auburn.

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

Sec. 1. P. & S. L., 1917, c. 201, Art. V, § 8, amended. Section 8 of article V of chapter 201 of the private and special laws of 1917 is hereby amended to read as follows:

'Sec. 8. Form of ballot; candidates' names to be arranged by lot. The names of the candidates nominated as provided in the preceding section shall be arranged according to lot under the title of the office to be filled. Lot shall be drawn by the city clerk, at which drawing the candidates or their representatives shall be entitled to be present. The ballots shall be without party mark or designation. The full name and residence of each candidate shall be given. At the left of each name shall be a square within which the voter shall place a cross or a check mark 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:

CITY OF AUBURN

Ward ()

REGULAR (OR SPECIAL) CITY ELECTION

(Date)

OFFICIAL BALLOT

INSTRUCTIONS TO VOTERS

To vote for any candidate mark a cross (X) or a check mark (✓) in the square at the left of the name.

If you wrongly mark, tear or deface the ballot return it and obtain another.

For MAYOR		
	John Doe	(Res.)
	Richard Roe	(Res.)
		(Res.)
For COUNCIL		
	John Smith	(Res.)
	William White	(Res.)
		(Res.)
For SUPERINTENDING SCHOOL COMMITTEE		
	Charles Brown	(Res.)
	Joe James	(Res.)
		(Res.)
For WARDEN		
	William Doe	(Res.)
	Charles Roe	(Res.)
		(Res.)
For WARD CLERK		
	John Jones	(Res.)
	Charles White	(Res.)
		(Res.)
<p>Mark a cross (X) or a check mark (✓) in the square at the left of your answer.</p>		
	Yes	Shall
	No?
	Yes	Shall
	No?'

Sec. 2. P. & S. L., 1917, c. 201, Art. VI, § 3, sub-§§ (2) and (9), amended. Subsections (2) and (9) of section 3 of article VI of chapter 201 of the private and special laws of 1917, as amended by section 2 of chapter 69 of the private and special laws of 1939 and by section 10 of chapter 47 of the private and special laws of 1943, are hereby further amended to read as follows:

'(2) All appointments to the office of city marshal, chief of the fire de-

partment and city electrician shall be made by the city manager from the eligible list prepared by the civil service commission. At the request of the city manager, the commission shall submit 3 names for each vacancy.

Appointments to offices of chief of fire department, city marshal and city electrician shall be during good behavior, and shall terminate when the appointee shall have attained his 65th birthday.

Any appointee to the offices of chief of fire department and city marshal, who, prior to said appointment; shall have been a member of the fire department or of the police department, if he shall resign said office or be removed therefrom for any cause other than a cause involving moral turpitude, shall remain a member of the department from which he was appointed and shall return to the grade or rank which he held at the date of his appointment.

If there shall be a vacancy in the office of chief of the fire department or city marshal, until a person shall have been appointed to permanently fill said vacancy, the city manager may designate one of the members of said department in which said vacancy exists as acting chief of the fire department or acting city marshal and said acting chief of the fire department shall be vested with all the powers and duties of the regular chief thereof during such period of time as he shall so act and the acting city marshal shall be vested with all the powers and duties of the regular city marshal during such period of time as he shall so act.'

'(9) Promotion from one grade to another in the police and fire departments shall be made by the chief of the respective departments but no person shall be eligible for promotion until he shall have served at least 12 months in the next lower grade or rank, and if there shall be no person in the next lower grade or rank eligible for promotion or if there shall be an insufficient number of persons in the next lower grade or rank eligible for promotion to fill the positions vacant then all persons in the grade or rank next below the grade or rank next lower than the grade or rank to which the promotion is to be made shall be eligible for said promotion.'

Sec. 3. P. & S. L., 1917, c. 201, Art. VI, § 10, amended. Section 10 of article VI of chapter 201 of the private and special laws of 1917 is hereby amended to read as follows:

'Sec. 10. Assessors of taxes; appointment, tenure of office; vacancies, powers and duties. At its first meeting in January, 1918, or as soon thereafter as may be, the city council shall appoint 3 assessors of taxes, 1 for a

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term of 1 year, 1 for a term of 2 years, and 1 for a term of 3 years; and annually thereafter there shall be appointed by the city council 1 assessor for a term of 3 years. The assessors shall hold office until their successors are appointed and qualified. If for any reason, a vacancy occurs in the membership of the board of assessors, the vacancy shall be filled forthwith by the council, for the unexpired term. The assessors thus appointed shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the state may exercise, and are subject to, under the laws of the state.

The city council at the meeting for organization thereof following the regular city election, or as soon thereafter as may be, shall designate 1 member of the board of assessors to be the chairman thereof and the city council shall by ordinance prescribe the powers and duties of the chairman of said board of assessors with respect to the administrative functions of said board of assessors.

Sec. 4. P. & S. L., 1917, c. 201, Art. VI-A, § 4, repealed and replaced. Section 4 of article VI-A of chapter 201 of the private and special laws of 1917, as enacted by chapter 89 of the private and special laws of 1941, is hereby repealed and the following enacted in place thereof:

'Sec. 4. Eligibility.

1. When any present regular member of the said police department, including the city marshal, shall have arrived at the age of 65 years, he shall be deemed to be incapacitated for further useful service in said department, and his honorable discharge shall be given him by the city council upon receipt of a proper certificate from said pension commission whereupon he shall automatically become eligible for all benefits of said pension.

Any regular member of said police department, including the city marshal, who after 2 years after the effective date of this act shall be appointed thereto shall not be entitled to the pension benefits prescribed by this article as amended. Any regular member of said department, who shall be appointed to the department within 2 years after the effective date of this act, who shall not be retired under the provisions of this article as amended, within said 2 years, shall at the end of said 2 years cease to retain the pension benefits prescribed by this article, as amended.

2. When any present regular member of said police department, including the city marshal, shall have arrived at the age of 60 years, or shall

have served 25 years in said department, he may petition for the benefits of this article, and his honorable discharge shall be given him by the city council, whereupon he shall automatically become eligible for all benefits of said pension.

3. When any present member of said department shall become totally disabled, he may petition for the benefits of this article, and his honorable discharge shall be given him by the city council, and he shall automatically become eligible for all benefits of said pension. Total disability shall be construed to mean disability resulting from an injury or the contracting of any disease or illness while a member of said department in the course of his employment and without willful negligence on his part which shall permanently prevent such person from performing his duties in said department. Three reputable physicians, one to be appointed by the said pension commission, one by the petitioner and a 3rd to be chosen by the 2 physicians, aforesaid, shall determine whether such disability exists. They shall certify their findings to the said pension commission, whose findings shall be final, and if said physicians are unable to agree, then in such event, the findings of the majority shall be controlling.

4. In the event any present member of said department shall lose his life in the performance of his duty, his widow shall receive all benefits of this pension during such time as her widowhood status is maintained, but in no case to exceed the sum of \$4,000.'

Sec. 5. P. & S. L., 1917, c. 201, Art. VI-A, § 5, repealed and replaced. Section 5 of article VI-A of chapter 201 of the private and special laws of 1917, as enacted by chapter 89 of the private and special laws of 1941, is hereby amended to read as follows:

'Sec. 5. Amount of pension. Said pension shall be equal, at any given time, to $\frac{1}{2}$ the regular salary at that time received by the member of the said department serving in the same capacity as the pensioner was serving at the time he was retired; all pension payments made under the provisions of this section shall be automatically increased or diminished in amount as increases or reductions in the daily pay are allowed by the city council to the regular members of the said department. When, as a result of disability as set forth in section 4 hereof, such member or widow receives compensation payments therefor from any other source, ~~payments hereunder shall not commence until such other compensation payments have been terminated~~ the amount paid to such member or widow from said pension fund during the period when said compensation payments are being received

shall be determined by subtracting the amount paid by said compensation payments from the amount otherwise payable under this section.'

Sec. 6. P. & S. L., 1917, c. 201, Art. VI-B, § 4, repealed and replaced. Section 4 of article VI-B of chapter 201 of the private and special laws of 1917, as enacted by chapter 90 of the private and special laws of 1941, is hereby repealed and the following enacted in place thereof :

'Sec. 4. Eligibility.

1. When any present regular member of the said fire department, including the department chief and deputy chief, shall have arrived at the age of 65 years, he shall be deemed to be incapacitated for further useful service in said department, and his honorable discharge shall be given him by the city council upon receipt of a proper certificate from said pension commission whereupon he shall automatically become eligible for all the benefits of said pension.

Any regular member of the said fire department, including the department chief and deputy chief, who after 2 years after the effective date of this act, shall be appointed thereto shall not be entitled to the pension benefits prescribed by this article, as amended. Any regular member of said department, who shall be appointed to the department within 2 years after the effective date of this act, who shall not be retired under the provisions of this article as amended, within said 2 years, shall at the end of said 2 years cease to retain the pension benefits prescribed by this article, as amended.

2. When any present regular member of said fire department, including the department chief and deputy chief, shall have arrived at the age of 60 years or shall have served 25 years in said department, he may petition for the benefits of this article, and his honorable discharge shall be given him by the city council, whereupon he shall automatically become eligible for all benefits of said pension.

3. When any present regular member of said department, as aforesaid, shall become totally disabled, he may petition for the benefits of this article, and his honorable discharge shall be given him by the city council, and he shall automatically become eligible for all benefits of said pension. Total disability shall be construed to mean disability resulting from an injury or the contracting of any disease or illness while a member of said department in the course of his employment and without willful negligence on his part which shall permanently prevent such person from performing his duties in said department. Three reputable phy-

sicians, one to be appointed by the said pension commission, one by the petitioner and a 3rd to be chosen by the 2 physicians, aforesaid, shall determine whether such disability exists. They shall certify their findings to the said pension commission, which findings shall be final, and if said physicians are unable to agree, then in such event, the findings of the majority shall be controlling.

4. In the event any present member of said department shall lose his life in the performance of his duty, his widow shall receive all benefits of this pension during such time as her widowhood status is maintained. Upon her death or remarriage or in the event he leaves no widow, the minor children of the deceased, if any, shall receive during their minority, pro rata, the full benefits of this pension during such time as the said pension commission, in its discretion, may deem necessary and proper.'

Sec. 7. P. & S. L., 1917, c. 201, Art. VI-B, § 5, amended. Section 5 of article VI-B of chapter 201 of the private and special laws of 1917, as enacted by chapter 90 of the private and special laws of 1941, is hereby repealed and the following enacted in place thereof:

'Sec. 5. Amount of pension. Said pension shall be equal, at any given time, to $\frac{1}{2}$ the regular salary at that time received by the member of the said department serving in the same capacity as the pensioner was serving at the time he was retired; all pension payments made under the provisions of this section shall be automatically increased or diminished in amount as increases or reductions in the daily pay are allowed by the city council to the regular members of the said department. When, as a result of disability as set forth in section 4 hereof, such member or his widow or his minor children receives compensation payments therefor from any other source, ~~payments hereunder shall not commence until such other compensation payments have been terminated~~ the amount paid to such member or widow or minor children from said pension fund during the period when said compensation payments are being received shall be determined by subtracting the amount paid by said compensation payments from the amount otherwise payable under this section.'

Sec. 8. P. & S. L., 1917, c. 201, Art. VII, § 5, amended. Section 5 of article VII of chapter 201 of the private and special laws of 1917, as amended by section 15 of chapter 47 of the private and special laws of 1943, is hereby further amended to read as follows:

'Sec. 5. Annual appropriation resolve. Not later than 1 month after the beginning of the fiscal year the council shall pass an annual appropriation resolve, which shall be based on the budget submitted by the city

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manager, said annual appropriation resolve shall be itemized for each department in at least the following 5 subdivisions: (a) salaries and wages; (b) other services; (c) supplies and materials; (d) fixed charges; and (e) capital outlay.

The total amount appropriated shall not exceed the estimated revenue of the city.

Before the annual appropriation resolve has been passed, the council may make appropriations for current departmental expenses, chargeable to the appropriations of the year when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation resolve is in force.

Should the council take no final action to prepare the annual appropriation resolve on or before the time set forth herein for said action, then the budget, as submitted by the manager, shall be deemed to have been finally adopted by the council.'

Referendum; effective date; certificate to secretary of state. This act shall take effect 90 days after the adjournment of the legislature, only for the purpose of permitting its submission to the legal voters of the city of Auburn at a special election called and held for the purpose or at an annual municipal election of the city of Auburn. Such special election or annual municipal election shall be held not later than the next regular annual municipal election after the effective date of this act. In event a special election is called for the purpose, it shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration in said city of Auburn shall not be required to prepare for posting, or the city clerk to post, a new list of voters, and for the purpose of registration of voters, said board shall be in session the 3 secular days next preceding such special meeting, the 1st and 2nd days thereof to be devoted to the registration of voters, and the 3rd day to enable the board to verify the corrections of said list and to complete and close up their records of said sessions. The city clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: "Shall the act amending the Charter of the City of Auburn be accepted?" and the voters shall indicate by a cross or check mark placed over the words "Yes" or "No" their opinion of the same. This act shall take effect for all purposes thereof immediately upon its acceptance by a majority vote of the legal voters voting at said election; provided that the total number of votes cast for and against the acceptance of

this act at said election equals or exceeds 20% of the total vote for all candidates for governor in said city at the next previous gubernatorial election. The result of such election shall be declared by the municipal officers of the city of Auburn, and due certificate filed by the city clerk with the secretary of state.

Effective August 8, 1953

Chapter 152

AN ACT to Incorporate the Town of Eagle Lake School District.

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

Sec. 1. Incorporation; name; purposes. Subject to the provisions of sections 7 and 9 of this act, the inhabitants of and the territory within the town of Eagle Lake are hereby created a body politic and corporate under the name of "Town of Eagle Lake School District," for the purpose of acquiring property within the said town for school and related athletic and recreational purposes; for the purpose of erecting, enlarging, repairing, equipping and maintaining on said property a school building or school buildings, and related athletic and recreational facilities; for the purpose of maintaining elementary and secondary schools; for the purpose of leasing or letting any property of said district to said town; for the purpose of receiving, accepting and holding gifts, grants or devises of property real, personal or mixed to be used for school and related athletic and recreational purposes; all for the benefit of the inhabitants of said district.

Sec. 2. Trustees, powers and duties; limitations. All the affairs of said district (except the election of teachers who shall serve in the said schools and the fixing of their salaries, the course of study, the terms of school, conveyance of pupils, janitors, playgrounds, textbooks, supplies, fuel, and all other matters pertaining to the education of pupils, which matters shall be controlled by the superintending school committee of the town of Eagle Lake), shall be managed by a board of 5 trustees, who shall be elected as is hereinafter provided. The board of trustees, acting for said district, shall have and exercise all the powers and authorities necessary to carry out the purposes of this act and the powers and authorities granted herein.

Sec. 3. Trustees, how elected; tenure of office; organizations of board; officers; vacancies; compensation; reports. As soon as may be after the acceptance of this act as hereinafter provided, the inhabitants of the town of Eagle Lake shall elect 5 trustees of said district, in the same manner as