

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1298

H. P. 903

House of Representatives, March 2, 1967

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Gauthier of Sanford by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT to Make Certain Changes in Government of Town of Sanford.

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

ARTICLE ONE

Sec. 1. The executive powers of the government of the Town of Sanford shall vest in the Board of Selectmen as presently constituted.

Sec. 2.

A. There shall be a Warrant and Finance Committee consisting of 7 members, one from each of the existing districts, each member to be elected by the voters of his district, said elections to be held at the annual town election, and the members elected to assume office on the first day of January following, to serve for one year.

B. The Warrant and Finance Committee shall meet twice each month at the call of the chairman who shall, at the beginning of his term of office, designate the days of the month upon which meetings will be regularly held throughout the year. Each member shall receive as compensation the sum of \$10 for each meeting actually attended, but no compensation shall be paid for special or extraordinary meetings called by the chairman.

C. The chairman of the Warrant and Finance Committee shall be elected by the members of the committee and the members shall make their own rules as to procedure, may conduct public hearings and require any employee of the Town of Sanford, appointed or elected, to appear before it in public session; and at least once every 2 years they shall employ competent accountants to conduct an audit of municipal finances in a manner consistent with approved practices.

D. The Warrant and Finance Committee shall receive the budget for the coming year, as proposed by the board of selectmen, and, after approving the same, shall forward it as Article One to the annual town meeting. At the same time, the committee shall receive from the board of selectmen a budget for the compensation to be paid to the board of selectmen and the members of the warrant and finance committee, and, after approving the same, shall forward it to the town meeting as Article Two. The Warrant and Finance Committee shall also forward to the town meeting, confining their recommendations to the funds or expenditures involved and not otherwise, any articles for the acceptance of ways, articles for the conveyance of rights in real estate, for confirmation of contractual obligations incurred by the board of selectmen, where such confirmation is required by law, articles calling for bond issue authorization and articles for the amendment of the zoning ordinance, which the board of selectmen may have submitted.

E. The Warrant and Finance Committee will, as such needs arise, authorize expenditures for the improvement, construction or paving of roads and ways accepted by the town, for the purchase, rental and installation of lights and fire hydrants, for equipment, vehicles, buildings and rentals for the same; but any such improvement, installation, construction or paving may not be acted upon by the Warrant and Finance Committee until such time as it has been recommended by the board of selectmen and notice of such recommendation has been given by the board of selectmen to the trustees of the water district and the trustees of the sewer district, at least 10 days before such recommendation.

F. Except as a town meeting member, no member of the warrant and finance committee shall hold any appointed or elective office within the Town of Sanford during his term as a member of the committee. No member may be appointed to any office described in section 3, subsections C and D, until one year following either the expiration of such member's term on the committee or his resignation. Any member of the warrant and finance committee, not having been elected a town meeting member for his district, having been elected to the committee by the town meeting members of his district, will be deemed to be a member of the town meeting and will be sworn by the town clerk.

G. In the case of the death or resignation of any member of the warrant and finance committee or where otherwise a vacancy exists, the chairman shall summon the town meeting members from the district involved and require that a new member be elected. The new member shall be sworn into office immediately.

H. The town clerk shall serve as the clerk of the warrant and finance committee.

Sec. 3.

A. The board of selectmen shall exercise the police power of the government of the Town of Sanford, be responsible for the protection of life and property, public health, education, protection of voting rights and ballots where such duties and responsibilities have not, by law, been imposed on others, for the

maintenance of public ways, snow removal, civil defense and all other matters naturally belonging to the executive arm of the government, and in the exercise of such functions shall appoint subordinates, fix compensation, shall lease, convey, purchase, recommend improvements, installations and paving, and after the requirements of section 2, subsection E are met, execute such improvements, installations and paving, shall recommend the acceptance of ways, transfer surplus funds as required and prudent, recommend bond issues, amendments to town ordinances, draft town ordinances as required, enter into contractual relations with other municipalities or political subdivisions of the State and Federal Governments, which said contracts shall be confirmed by the town meeting, and toward these ends shall prepare a budget for the coming year, submit it to the warrant and finance committee and, after adoption of the budget by the town meeting, be responsible for its administration.

B. The board of selectmen shall submit the annual budget and any and all articles to be incorporated into the annual town meeting warrant to the warrant and finance committee not later than the first day of October of any year and shall, with 14 days prior to the annual town meeting, publish and distribute copies of the town meeting warrant to the members of the town meeting.

C. The board of selectmen, with the advice and consent of the warrant and finance committee, shall appoint a town clerk and tax collector, a town treasurer, one highway commissioner, one town engineer, 3 trustees of the water district, 3 trustees of the sewer district, one chief of the fire department, one chief of the police department and one town physician.

D. The board of selectmen shall appoint a town nurse, members of the planning board, members of the zoning appeal board, one superintendent of parks and recreation, 4 constables, shall retain legal counsel as required, may appoint one purchasing agent to assist department heads in purchasing as such assistance is requested, sufficient police officers and firemen and all other employees as required by the departments of the town government except those under the jurisdiction of the superintending school committee, trustees of the water district and trustees of the sewer district; fix the rate of compensation to be paid, and, with the advice and consent of the warrant and finance committee, remove such appointees for cause after a public hearing, except that any and all persons appointed by the board of selectmen falling within the classification "all other employees" may be discharged at the discretion of the board of selectmen. Nothing in this Act may be construed as denying a public employee the right to a public hearing before the warrant and finance committee, but in such cases involving employees classified as "all other employees," the findings of the committee shall not be binding upon the selectmen. The discharge of any police officer by the board of selectmen will be automatically placed on the agenda for review at the following meeting of the warrant and finance committee. In such cases the decision of the committee will be final.

E. Employees appointed under the provisions of subsections C and D shall serve for a period of 3 years, except where the Revised Statutes of the State

of Maine require otherwise. Police officers, members of the fire department and those employees not specifically designated in subsections C and D shall serve at the discretion of the board of selectmen, except in such cases where the Revised Statutes of the State of Maine are controlling.

Sec. 4.

A. A town meeting member may present to the board of selectmen, anytime prior to October 1 of any year, a petition signed by 10 or more citizens of the town, addressed to the annual, but not a special town meeting, for incorporation as an article in the warrant, provided that such petitions involve matters of general concern involving the interests of the town generally, or matters pertinent to the administration of the town, town government generally, and providing that the petition is an appeal from a denial of the board of selectmen or the warrant and finance committee, and that the petition is the same in all respects as that denied by the board or the committee.

B. Any person, not a member of the town meeting, if invited by a vote of the membership, shall be allowed to address the town meeting. Any member, not retained as an advocate or attorney, may plead a cause in behalf of any person.

Sec. 5.

A. This Act shall be construed in such a way as to make the administration of municipal affairs efficient and to eliminate time-consuming procedures wherever possible and prudent.

B. All acts and parts of acts of the private and special laws of Maine relating to the Town of Sanford, inconsistent with the provisions of this Act, are hereby repealed. If any portion of this Act shall be held invalid, such decision shall not affect the validity of the remaining portions thereof. All rights, actions, proceedings, prosecutions and contracts of the Town of Sanford or of any of its departments, pending or unexecuted, shall be enforced, continued or completed in all respects, and all matters pending before the town meeting which do not by the terms of this Act fall within the exclusive jurisdiction of the town meeting shall be assumed by the warrant and finance committee as if such matters had been recommended by the board of selectmen. The terms of the officials of the Town of Sanford holding elective offices shall not be affected by this Act but they shall serve until the expiration of their terms. All other appointments, not controlled by the Revised Statutes of the State of Maine, shall expire at midnight December 31, 1967, unless reappointed by the board of selectmen.

C. This Act will become effective on the first day of January following enactment.

D. The Town Clerk shall prepare for referendum to be voted upon by the people of the Town of Sanford in any regular or special election, within 90 days after the passage of this Act, the following question: "Shall the Changes in the Town Government, as recommended by the Town Government Study Committee and passed by the 103rd Legislature, be accepted?"