

# MAINE STATE LEGISLATURE

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EMERGENCY  
SECOND SPECIAL SESSION

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ONE HUNDRED AND THIRD LEGISLATURE

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**Legislative Document**

**No. 1777**

H. P. 1271

House of Representatives, January 9, 1968

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Champagne of Fairfield.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-EIGHT

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**AN ACT Creating a New Charter for the Town of Fairfield.**

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**Emergency preamble.** Whereas, the Town of Fairfield charter requires the presence of a number of registered voters to validate a special town meeting equal at least to 10% of the number of votes cast in the town for all candidates for Governor at the next previous gubernatorial election; and

Whereas, a town meeting was scheduled to vote on a new charter on December 12, 1967, but due to a severe storm on that date, an insufficient number of voters appeared to meet said requirement; and

Whereas, the Town of Fairfield will be deprived of proper consideration of this matter until the next regular session of the Legislature with presentation to the townspeople the following year, unless passed as an emergency to be voted upon at the next regular town meeting in March, 1968; 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. The municipal year; date of town meeting.** The municipal year of the Town of Fairfield shall be January 1st to December 31st. The annual town meeting shall be held in the Town of Fairfield, in the County of Somerset, on the first Monday of March in each year and the voters shall choose a moderator by ballot as now provided by law; after which the polls shall be open for the bal-

loting for town officials named in section 2. The time of opening and closing the polls and opening of the business meeting is to be set by a vote of the town council. Special town meetings may be called in the manner and for the purposes set forth in the general statutes, except no special meeting shall be valid unless the number of registered voters present shall equal at least 10% of the number of votes for all candidates for Governor cast in the Town of Fairfield at the next previous gubernatorial election.

**Sec. 2. Officers.** The officers of the town, who shall be nominated and elected by the qualified voters of the Town of Fairfield, as hereinafter provided, shall be 5 councilors comprising a town council, town clerk and the Fairfield members of the board of directors of the School Administrative District. To be qualified for nomination and election to such positions, a person must be a qualified voter of said town. Said councilors shall be chosen as follows: At each annual meeting 2 councilors shall be chosen as herein provided, each for a term of 3 years, provided in each 3rd year but one councilor shall be chosen, and provided further that vacancies in the office of town councilor due to death, resignation or other cause shall be filled at the next annual meeting for the unexpired term. Said council may fill vacancies in its number occurring between the annual meetings, and the term of office of any member of the council so chosen shall expire at the next annual meeting.

The directors of the School Administrative District shall be elected in accordance with district regulations.

The present officers whose terms of office have not expired shall continue until the expiration of their present term of office.

**Sec. 3. Nominations.** Nomination of candidates for the offices of town clerk, town councilors and directors of the School Administrative District shall be made by nomination papers signed in the aggregate for each candidate by not less than 75 qualified voters of the Town of Fairfield. All nomination papers, besides containing the name and address of the candidate, must specify as to each: first, the office for which he is to be nominated; second, the term for which he seeks nomination.

Nomination papers for the nomination of candidates for any of the elective offices in the Town of Fairfield shall be filed with the town clerk at least 14 days prior to the annual town meeting. Nomination papers shall be uniform and shall be supplied by the town clerk.

**Sec. 4. Elections.** The election of all elective officers provided in this Act shall be by Australian ballot, as provided for in the Revised Statutes of Maine, as amended.

**Sec. 5. Powers and duties.** The members of the town council shall be and constitute the municipal officers of the Town of Fairfield for all purposes required by statute, and except as otherwise herein specifically provided, shall have all powers and authority given to, and perform all duties required of, municipal officers under the laws of this State.

**1. Enumeration of powers.** Without limitation of the foregoing, the council shall have power to:

**A.** Appoint and remove the town manager, appoint the board of assessment review and the Planning Board, and provide for the manner of appointment of the following officers: assessor, treasurer and town attorney.

**B.** By ordinance create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this charter. The council may authorize the town manager, at the time of his appointment or at any time thereafter, or may authorize a person other than the town manager, to be clerk or agent for them as overseer of the poor, to sign and send the written notices and written answers referred to in the Revised Statutes, Title 22, sections 4477 and 4478, and perform such other duties under the Revised Statutes, Title 22, chapter 1251 as the council may delegate. The council by ordinance may assign additional functions or duties to offices, departments or agencies established by this charter but may not discontinue or assign to any other office, department or agency any function or duty assigned by this charter to a particular office, department or agency. The council may, however, vest in the manager all or part of the duties of any appointive office except those of the School Administrative District.

**2. Make, alter and appeal ordinances.** Included under this power shall be the power to enact ordinances regulating the following classes of persons, businesses and purposes and to grant licenses and permits therefor for such periods of time and in accordance with such rules and regulations, not inconsistent with law, upon payment by the licensee of such fees, and filing of such bonds as said town council may establish and make provisions for by ordinance, to wit: Auctioneers; the maintenance and operation of garages, filling stations, sidewalk tanks and pumps for the sale or distribution of gasoline and other volatile inflammable liquids for fuel or power; the manufacture, storage, sale, transportation, disposition and use of explosives and flammable liquids; billiards halls; bowling alleys; roller skating rinks; junk dealers; dealers in second-hand parts and salvage of automobiles; dealers in second-hand merchandise; hawkers and peddlers; employment agencies; itinerant vendors; public automobiles; taxicabs and motor buses; public wagons and trucks; amusements; exhibitions and performances; theaters; moving picture houses; inns; victualers; pawnbrokers; lodging houses of 4 lodging rooms or more; public shooting galleries; the manufacture, storage, sale, disposition and use of fireworks; dance halls; circuses; and the erection of signs, flags, banners, awnings, marquees and all other things within the limits of the sidewalks, roads, ways, and streets of said town, and no such objects placed within said limits in accordance with such ordinances shall be deemed defects in such sidewalks, roads, ways and streets.

**3. Other duties.** Inquire into the conduct of any office, department or agency of the town and make investigation as to municipal affairs; approve plats; adopt and modify the official map of the town; recommend the annual budget to the town meeting and provide for the annual audit.

**Sec. 6. Organization meeting of the council.** The councilors elected as herein provided shall meet within 24 hours after their election and shall choose by ballot one of their number to be chairman, and shall appoint a secretary.

An affidavit of such choice of chairman with the appointment of the secretary, signed by a majority of the councilors, shall be recorded by the town clerk in the

records of said town and thereafter records shall be kept of all the doings of said councilors at all council meetings. Said records shall be public records and shall be open at all times to the inspection of any citizen of said town.

**Sec. 7. Regular and special meetings of the council.** The councilors shall meet once each month at such time as they may designate in their organization meeting provided for in section 6, and 3 members of said council shall constitute a quorum for the transaction of business. Special meetings of said councilors may be called by the chairman of said councilors or by a majority of all members of said council. Notice of such special meeting shall be in accordance with regulations adopted by the council.

**Sec. 8. Compensation of councilors.** Each councilor shall receive \$10 for each regular meeting attended, but not to exceed \$120 annually; provided however, that for such services as required under the general law of such councilors, acting in their capacity as municipal officers, at any such annual meeting primary election, state or presidential election, the per diem for each working member shall be \$10 per day, the total allowance for any one day not to exceed \$50.

**Sec. 9. Tenure.** All appointed officers and boards, except as otherwise provided in this charter, shall hold office at the pleasure of the appointing powers. Vacancies caused by death, resignation or removal shall be filled within a reasonable time by the appropriate appointing powers.

The councilors, as soon as expedient after the organization meeting provided in section 6, shall by ballot by majority vote appoint: A town treasurer; an assessor; a board of assessment review of 5 members; a budget committee of 12 members in addition to the council members, who shall also be members of said committee; and a town manager.

**Sec. 10. Treasurer.** The duties of the treasurer shall include those prescribed by the Revised Statutes of Maine, as amended.

**Sec. 11. Assessor.** The assessor shall have the same powers and shall be subject to the same duties as provided by the Revised Statutes of Maine, as amended.

**Sec. 12. Board of assessment review; appointments, vacancies.** There shall be a board of assessment review to consist of 5 members, who shall be appointed by the town council for a term of 5 years, except that of those first appointed, one shall be for a term of 5 years, one for a term of 4 years, one for a term of 3 years, one for a term of 2 years and one for a term of one year.

Compensation, if any, to such members shall be determined by the town council. Vacancies in the membership of such board shall be filled by appointment by the council for the unexpired term. The present members of the board of assessment review, whose terms of office have not expired shall continue until the expiration of their present terms of office.

The board of assessment review shall have the power to: Review, in the manner provided by the Revised Statutes of the State of Maine, as amended, on written complaint of a property owner or owners, and recommend whatever revision, if any, or assessments of real and personal property as made by the

town assessor against the property of the applicant as the said board may consider to be justified; administer oaths; take testimony; hold hearings and adopt regulations regarding the procedure of assessment review consistent with legal requirements.

**Sec. 13. Budget committee.** The budget committee shall consist of 12 members, 4 appointed each year for a term of 3 years. The present appointed members of the budget committee, whose terms of office have not expired, shall continue until the expiration of their present terms of office.

The budget committee, as appointed above, shall meet at the request of the council and appoint from among its members a chairman and a secretary and shall thereafter meet at the request of the councilors for discussion and recommendation on matters which the council may wish to present. The committee shall hold a regular meeting during the month of January of each year to consider recommendations to the town for appropriations to be made at the next annual town meeting. At this meeting, the council by its chairman shall present to the budget committee their recommendations, as prepared by the town manager, for expenditures for the ensuing year, and shall furnish to the budget committee such detailed and accurate data as are necessary for intelligent action. At the said meeting, the town manager shall present a detailed analysis of the town's actual expenditures from January 1st to December 31st, and the final statements or receipts and expenditures for the current fiscal year just completed. The budget committee shall hold such additional meetings as it may deem necessary for proper consideration of the town's services and finances. Not later than February 15th the committee shall hold its final meeting and make specific recommendations to be presented to the next annual town meeting on all articles in the warrant of said meeting calling for appropriations and shall appoint one or more of its members to explain at the town meeting its recommendations and the reason therefor.

**Sec. 14. Town manager.** The town manager shall be chosen as provided in section 9, on the basis of his character, executive and administrative qualifications and experience and his technical knowledge of municipal management.

**Sec. 15. Powers and duties of the town manager.**

**1. Town manager, duties, etc.** The town manager shall be the administrative head of the town government, and shall be responsible to the council for the administration of all departments of the town over which the council has control under this Act and under the general statutes, and his powers and duties, where not otherwise provided, shall be generally as follows:

**A.** To appoint all town officers or agents whose election or appointment has not been otherwise provided for by this charter. In case of the appointment of a health officer, the appointment shall be for a period of not less than one and not more than 3 years;

**B.** To see that the laws and ordinances are enforced;

**C.** To exercise control over all departments created herein or that may hereafter be created, either by general law or ordinance;

**D.** To act as purchasing agent for all departments of the town, except for the School Administrative District, and to submit to competitive bids any transaction involving more than \$100 if the council so orders. As purchasing agent of said town, the town manager shall purchase all supplies and materials for the town and for the several departments, with the exception of the said School Administrative District, 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 town, with the exception of accounts for the School Administrative District, shall bear the approval of the town manager when presented to the council for payment;

**E.** To attend the meetings of the council, except when his removal is being considered, and recommend for adoption such measures as he may deem expedient;

**F.** To keep the council fully advised as to the business, financial condition and future needs of the town;

**G.** To perform such other duties as may be prescribed by the council or by the town bylaws;

**H.** To perform the duties of tax collector, subject to the general laws of the State.

**Sec. 16. Salary of manager.** The town 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 council and the actual and necessary authorized expenses incurred in the performance of his duties outside the boundaries of the Town of Fairfield, to be paid by the town treasurer in monthly payments on or about the first day of every month. He shall maintain an office at such place as the councilors deem advisable and shall be provided with such clerical assistance as the council may decide.

**Sec. 17. Compensation of officers.** When not otherwise provided by general law or by this Act, the compensation of officers of the town, except those under the School Administrative District, shall be fixed by a vote of the councilors.

**Sec. 18. Payments.** No money shall be paid out of the town treasury except by order issued by the councilors, or their representative authority for the purpose, and presented at the time of payment to the treasurer of the town, or a duly sworn deputy treasurer, who may be appointed by the treasurer with the consent and approval of the council.

**Sec. 19. Officers to be sworn.** All town officers elected or appointed, before entering upon the performance of their official duties, shall be sworn by the town clerk to the faithful performance of the duties of their respective offices.

**Sec. 20. Bonds of officers.** The councilors of said town shall require a corporate surety bond, satisfactory to said councilors, from the town treasurer and town manager, and may require such bond from other officials as they may deem advisable. Premiums on said bonds shall be paid by the town.

**Sec. 21. Repealing clause.** All acts or parts of acts or amendments inconsistent herewith, insofar as they relate to the Town of Fairfield in the County of Somerset, are hereby repealed.

**Sec. 22.** If any portion of this Act shall be held to be invalid, such decision shall not affect the validity of the remaining portions thereof.

**Sec. 23. Emergency clause; effective date; certificate to Secretary of State.** In view of the emergency cited in the preamble, this Act shall take effect when approved by the Legislature, only for the purpose of its submission to the legally qualified voters of the Town of Fairfield, voting at the annual town meeting to be held in March, 1968. At such meeting, voting shall be by written ballot on the question, whether the town charter set forth in this Act shall be accepted; such ballots shall be prepared by the town clerk and authenticated by said clerk in the same manner as ballots used in the town election are authenticated. The polls shall remain open in accordance with the statutes governing municipal elections.

If this Act is accepted at such annual town meeting, it shall become fully effective upon its acceptance and authentication.

The result of said vote shall be declared by the municipal officers of the Town of Fairfield and due certificate thereof filed by the town clerk with the Secretary of State.