

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 248

H. P. 194

House of Representatives, January 21, 1969

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Gauthier of Sanford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT to Grant Certain Changes in the Government of the Town of Sanford.

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

ARTICLE I

BOARD OF SELECTMEN

Section 1.01. General powers and duties. The board of selectmen of the Town of Sanford may exercise all powers and shall perform all duties that selectmen have under the laws of the State of Maine unless otherwise provided in this Act.

Section 1.02. Executive power and duties. The executive power and duties of the town shall be vested in the board of selectmen. Their responsibilities shall include the protection of life and property, the protection of voting rights and ballots, the maintenance of public ways, snow removal and civil defense. They may appoint subordinates, fix compensation, lease, convey and purchase. They may recommend improvements, installation and paving as provided in section 2.04(b). They may recommend the acceptance of ways, transfer surplus funds as needed with prudence, recommend bond issues, recommend amendments to ordinances, draft ordinances when necessary, and enter into contractual relations with other public agencies and governments, subject to ratification by the town. The board shall publish and distribute to all town meeting members copies of the warrant 14 days before the annual town meeting.

Section 1.03. Appointments.

(a) With the advice and consent of the warrant and finance committee. With the advice and consent of the warrant and finance committee, the board of selectmen shall appoint the following officials:

- (1) One town clerk and tax collector,
- (2) one town treasurer,
- (3) one highway commissioner,
- (4) one town engineer,
- (5) 3 trustees of the water district,
- (6) 3 trustees of the sewer district,
- (7) one chief of the fire department,
- (8) one chief of the police department, and
- (9) one town physician.

(b) Without the advice and consent of the warrant and finance committee. The board of selectmen shall appoint, without the advice and consent of the warrant and finance committee, the following officials:

- (1) One town nurse,
- (2) the members of the planning board,
- (3) the members of the zoning board of appeals,
- (4) one superintendent of parks and recreation,
- (5) 4 constables, and
- (6) a legal counsel when needed.

The board of selectmen may appoint the following officials, without the advice and consent of the warrant and finance committee:

- (1) A purchasing agent,
- (2) an adequate number of police officers,
- (3) an adequate number of firemen, and
- (4) all other employees, as required by the departments, except those under the jurisdiction of the school committee, the trustees of the water district and the trustees of the sewer district.

ARTICLE II**WARRANT AND FINANCE COMMITTEE****Section 2.01. Composition, eligibility, election and term.**

(a) Composition. There shall be a warrant and finance committee of 7 members. They shall be known as committeemen, and one shall be nominated and elected by the qualified voters of each of the 7 districts.

(b) Eligibility. Only qualified voters of the town shall be eligible to hold the office of committeeman.

(c) **Election and term.** The committeeman shall be elected annually at the annual town election and they shall serve for one year commencing on the first day of January following their election.

Section 2.02. Compensation. Each committeeman elected for the first year shall receive \$10 for each regular meeting physically attended.

Section 2.03. Chairman. The chairman of the warrant and finance committee shall be elected by the committeemen and serve at their pleasure.

Section 2.04. Duties and powers.

(a) **Recommendations.** The warrant and finance committee shall make recommendations about any articles concerning the following matters before the articles are submitted to the town meeting, such recommendations shall be limited to comments about the expenditures or funds involved and shall be submitted during town meeting along with the article.

- (1) Articles for the acceptance of ways,
- (2) articles for the conveyance of rights in real property,
- (3) articles for the ratification of contracts executed by the board of selectmen.
- (4) articles for the authorization of bond issues, and
- (5) articles to amend the zoning ordinance submitted by the board of selectmen.

(b) **Authorization of certain expenditures.**

(1) Types of expenditures. The warrant and finance committee may authorize expenditures for the following, when the committee determines that they are necessary:

- (i) The improvement, construction, repair or paving of town ways;
- (ii) the purchase, lease and rental of lights and the installation thereof;
- (iii) the purchase, lease and rental of equipment, vehicles, and buildings.

(2) Limitation. The warrant and finance committee may only authorize such expenditures after they have been recommended by the board of selectmen, and the board of selectmen has given notice of such recommendation to the trustees of the water district and the trustees of the sewer district at least 10 days prior to such authorization.

(c) **Other duties.** The warrant and finance committee shall also serve as town meeting members for their district.

Section 2.05. Prohibitions. No committeeman shall hold any appointive or elective town office except as a member of the town meeting. No committeeman shall hold any office listed in Section 1.03, until one year after the expiration of his term or one year after his resignation.

Section 2.06. Vacancies, filling of vacancies.

(a) **Vacancies.** A vacancy in the office of committeeman may occur by the following means: Nonacceptance, resignation, death, permanent disability or incompetence.

(b) **Filling of vacancies.** Where a vacancy exists the chairman shall call a meeting of the town meeting members from the district involved and require that a new committeeman be elected. The new committeeman shall be sworn in immediately.

Section 2.07. Town Clerk. The town clerk shall serve as the clerk of the warrant and finance committee.

Section 2.08. Independent audit. The warrant and finance committee shall, at least every 2 years, employ competent independent public accountants for the purpose of conducting an audit of municipal finances in a manner consistent with generally accepted practices.

Section 2.09. Procedure, meetings.

(a) **Procedure.** The warrant and finance committee shall make their own rules and regulations as to procedure, may hold public hearings and may subpoena any officer, official or employee of the town to appear before it in public session.

(b) **Meetings.** The warrant and finance committee shall meet regularly twice each month at the call of the chairman. The chairman shall, at the beginning of his term, designate such days of the month.

ARTICLE III**OFFICIALS AND EMPLOYEES**

Section 3.01. Appointment. Appointments of town officials and employees shall be as provided in section 1.03.

Section 3.02. Compensation. The compensation of the officials and employees listed in section 1.03(a) shall be fixed by the board of selectmen with the advice and consent of the warrant and finance committee. The compensation of the officials and employees listed in section 1.03(b) shall be fixed by the board of selectmen.

Section 3.03. Removal.

(a) **For cause.** All employees and officials may be removed by the board of selectmen for cause.

(b) **Right to a public hearing.** The right to a public hearing before the committee is preserved to all employees and officials. The findings and decisions of the committee are binding on the board of selectmen except in the case of those employees appointed under section 1.03(b) (4).

(c) **Mandatory review.** The discharge of any police officer shall be reviewed at the next meeting of the warrant and finance committee.

(d) **Terms.** All employees and officials, except those appointed under sections 1.03(b) (2), (3) and (4), shall serve for a term of 3 years unless otherwise provided by law.

ARTICLE IV FINANCIAL PROCEDURE

Section 4.01. Submission of budget. The board of selectmen shall prepare and submit to the warrant and finance committee before the first day of October, the annual budget. The warrant and Finance committee shall, after approval, submit the annual budget as Article One to the annual town meeting. The compensation to be paid to the board of selectmen and the warrant and finance committee shall be included in a separate budget and submitted to the annual town meeting as Article Two. The board of selectmen shall publish the budgets and distribute copies to the town meeting members at least 14 days prior to the annual town meeting.

Section 4.02. Administrator. The board of selectmen shall administer the budget.

ARTICLE V ELECTIONS AND TOWN MEETINGS

Section 5.01. Districts. There shall be 7 districts. Each district shall be formed of compact, continuous territory, as nearly rectangular as possible, and its boundary lines shall follow the center lines of streets. Each district shall contain as nearly as possible the same number of qualified voters, determined from the registration for the last state-wide election, but districts shall not differ in population by more than 10% of the persons in the smallest district created, as determined from the last federal decennial census. Their boundaries shall be reviewed and, if need be, wholly or partially revised, within the aforesaid limits, by the board of selectmen in August, 5 years after the next August, following the first division of the town under this Act, and in August, every 5 years thereafter, and in August of any year when so directed by the town meeting, held not later than December 31st of the previous year.

Section 5.02. Petition for inclusion of an article. A town meeting member may present to the board of selectmen, anytime before October 1st of any year, a petition signed by 10 or more citizens of the town, addressed to the annual meeting to be incorporated as an article in the warrant, provided that the subject matter is of general concern involving the interests of the town generally, or matters pertinent to the administration of the town or town government generally.

Section 5.03. Town meeting. Any person, not a member of the town meeting, if invited by a vote of the town meeting, shall be allowed to address the town meeting.

ARTICLE VI GENERAL AND TRANSITIONAL PROVISIONS

Section 6.01. Construction. This Act shall be construed so as to make the administration of municipal affairs efficient and to eliminate time-consuming procedures wherever possible and prudent.

Section 6.02. Separability. If any provision of this Act is held to be invalid, the other provisions of the Act shall not be affected thereby.

Section 6.03. State and municipal laws.

(a) **In general.** All town ordinances, resolutions, orders and regulations which are in force when this Act becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Act or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of Maine permit, all laws relating to or affecting the Town of Sanford or its agencies, officers or employees which are in force when this Act becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Act or of ordinances or resolutions adopted pursuant thereto.

(b) **Specific provisions.** Without limitation of the general operation of subsection (a) or of the number or nature of the provisions to which it applies:

- (1) The following laws or parts of laws generally affecting towns or town agencies, officers or employees are inapplicable to the Town of Sanford or its agencies, officers or employees:
- (i) Me. P. & S. L., 1935, ch. 72, section 2(a).

Section 6.04. Pending matters. All rights, claims, actions, orders, contracts and legal and administrative proceedings shall continue except as modified pursuant to the provisions of this Act. 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 submitted to it by the board of selectmen.

Section 6.05. Officers and employees.

(a) **Elected officers.** The terms of the persons holding elective office shall not be effected by this Act but they shall serve until the expiration of their terms.

(b) **Appointed officials and employees.** Unless otherwise provided by law, the terms of all appointed officials and employees shall expire on the 31st day of December following the first election under this Act, but the persons affected may be reappointed.

Section 6.06. Schedule.

(a) **Passage by the Legislature.** This Act shall be submitted to the 104th Legislature as a proposed special law.

(b) **Referendum.** The town clerk shall prepare this Act for referendum to be voted on by the people of the Town of Sanford, on the day of any special or regular election, between 60 and 90 days after the adjournment of the 104th Legislature. The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this Act to the following question: "Shall 'An Act to Grant Certain Changes in the Government of the Town of Sanford,' passed by the 104th Legislature, be accepted by the Town of Sanford?"

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

(c) Districting of the town. Within 30 days of acceptance by the town, the board of selectmen shall divide the town into 7 districts in accordance with this Act and with law.

(d) First election under this Act. This Act shall become effective for the purpose of the elections of committeemen at the first annual town election following the district of the town in section 6.06(c).

(e) Time of taking full effect. This Act shall be in full effect for all purposes on the first day of the first January following the first annual town election under this Act.