

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1161

H. P. 900

House of Representatives, March 4, 1969

Referred to Committee on Legal Affairs. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Snow of Caribou.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Revising the General Laws Governing the Town Manager Form of Government.

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

Sec. 1. R. S., T. 30, c. 213, sub-c. II-A, additional. Chapter 213 of Title 30 of the Revised Statutes is amended by adding a new subchapter II-A, to read as follows:

SUBCHAPTER II-A TOWN MANAGERS

§ 2311. Town manager plan

1. **Applicable laws.** The form of government provided in this subchapter shall be known as the "town manager plan" and shall, together with general law not inconsistent, govern any town, the voters of which have adopted this plan at a meeting held at least 60 days prior to the annual meeting.

2. **Government.** The government of each municipality under this subchapter shall consist of a town meeting, an elected board of selectmen, an elected school committee, an appointed town manager and such other officials and employees as may be duly appointed pursuant to this subchapter, general law or ordinance.

3. **Duration.** Once adopted, the town manager plan remains in effect until revoked at a town meeting held at least 60 days prior to the annual meeting unless the voters of the town adopt a charter.

§ 2312. Qualifications of town manager

The town manager shall be chosen by the board of selectmen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, the duties of office as set forth. At the time of his appointment, he need not be a resident of the municipality or State, but during his tenure of office he may reside outside the municipality only with the approval of the board of selectmen. A town manager may not serve as moderator, selectman, assessor or member of the school committee.

§ 2313. Term, compensation, removal, suspension

1. Term. The town manager shall hold office for an indefinite term.
2. Compensation. The board of selectmen shall determine the compensation of the town manager.
3. Removal, suspension. The town manager may be removed or suspended for cause by the board of selectmen in accordance with the following procedure:
 - A. The selectmen shall file with the town clerk a written preliminary resolution setting forth the specific reasons for the proposed removal, a copy of which shall be delivered to the manager within 10 days of filing.
 - B. The manager may within 20 days of receiving the resolution reply in writing and may request a public hearing.
 - C. Upon request for a public hearing the selectmen shall hold one not earlier than 10 days after the request is filed and not later than 30 days.
 - D. After the public hearing or at the expiration of the time permitted the manager to request the public hearing, if no such request is made, the selectmen may adopt or reject the resolution of removal.
 - E. The selectmen may suspend the manager from duty in the preliminary resolution, but in no event shall the manager's salary be affected until the final resolution of removal has been adopted.

§ 2314. Absence or disability of town manager

The town manager may designate a qualified administrative official of the municipality to perform his duties during his temporary absence or disability. In the event of his failure to make such designation, the board of selectmen may appoint an official of the municipality to perform the duties of the manager during such absence or disability and until he shall return or his disability shall cease,

§ 2315. Departments, boards and offices; assistant to the town manager

The municipality shall continue or, by ordinance, create, and determine and define the powers and duties of such executive and administrative departments, boards and offices, in addition to those provided by general law, as it may deem necessary for the proper and efficient conduct of the affairs of the municipality, including the office of assistant to the town manager. Any

department, board or office so continued or created may at any time be abolished by the municipality.

§ 2316. Board of selectmen to act as a body, administrative service to be performed through town manager, committees

It is the intention of this subchapter that the board of selectmen as a body shall exercise all administrative and executive powers of the town except as provided in this subchapter. It is contrary to the spirit of this subchapter for any selectman to seek individually to influence the official acts of the town manager, or any other official, or for the board of selectmen or any selectman to direct or request the appointment of any person to, or his removal from, office; or to interfere in any way with the performance by such officials or their duties. The board of selectmen shall deal with the administrative services solely through the town manager and shall not give orders to any subordinates of the manager, either publicly or privately. Nothing contained in this section shall prevent the board of selectmen from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any official or department, or any matter relating to the welfare of the municipality.

§ 2317. Powers and duties of town manager

I. Duties. The town manager shall:

- A. Be the chief executive and administrative official of the municipality;
- B. Be responsible to the board of selectmen for the administration of all departments and offices over which the board has control;
- C. Execute all laws and ordinances of the municipality;
- D. Serve in any office as the head of any department under the control of the board of selectmen when so directed by the board of selectmen;
- E. Appoint, subject to confirmation by the board of selectmen, supervise, control and remove the heads of departments under the control of the selectmen when the department is not headed by the town manager under paragraph D;
- F. Appoint, supervise, control and remove all other officials, subordinates and assistants, except that he may delegate this authority to a head of a department, and report all appointments and removals to the board of selectmen;
- G. Act as purchasing agent for all departments, except the school department, and submit to bid purchases greater than \$100, if the selectmen so require;
- H. Attend all meetings of the board of selectmen, except when his removal is being considered;
- I. Make recommendations to the board of selectmen for the more efficient operation of the municipality;
- J. Attend all meetings and hearings of the municipality;

K. Keep the board of selectmen and the residents of the municipality informed as to the financial condition of the town;

L. Collect data necessary for the preparation of the budget;

M. Assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices.

§ 2318. Transitional provisions

The selectment may by resolve provide for the orderly transition of the town government. Such resolves shall not infringe upon the rights of any official or employee of the town and shall not be inconsistent with the provisions of this subchapter.

§ 2319. Regional cooperation

1. Agreement. Any 2 or more towns may enter into an agreement not inconsistent with this subchapter, with another for the purpose of employing and sharing a manager.

2. Selection of manager. The selectmen of the contracting towns shall act as a joint board for the purposes of selecting and removing for cause the manager, provided that each town shall have a single vote.

3. Compensation. A formula establishing the percentage of the manager's compensation to be contributed by each town shall be stated in the agreement. The selectmen acting as a joint board, each town having a single vote, shall determine the total compensation.

4. Duration. The agreement shall specify the method to be employed in accomplishing the partial or complete termination of the agreement.

§ 2320. Application

All municipalities operating under the repealed subchapter II shall be deemed to have made the adoption under section 2311, subsection 1, as of the effective date of this Act.

Sec. 2. R. S., T. 30, c. 213, sub-c. II, repealed. Subchapter II of chapter 213 of Title 30 of the Revised Statutes is repealed.