

# MAINE STATE LEGISLATURE

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NEW DRAFT

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EIGHTY - THIRD LEGISLATURE

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House Document

No. 127

H. P. 498                      House of Representatives, Feb. 10, 1927.

Reported by Mr. Sargent from Committee on Legal Affairs  
and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-SEVEN

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AN ACT to Provide a Better Government for the Town of  
Bar Harbor.

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

Section 1. Annual town meetings shall be held in the  
2 town of Bar Harbor, in the county of Hancock, on the  
3 first Monday of March, in each year, and the voters shall  
4 then choose, by ballot, as now provided by law, a moderator  
5 and clerk.

Sect. 2. At such meetings as provided in section one, the  
2 voters shall then choose, by ballot, as provided by chapter  
3 two hundred fifteen, of the private and special laws for the  
4 year one thousand nine hundred and thirteen, as amended  
5 by chapter two hundred and four, of the private and special

6 laws for the year one thousand nine hundred and fifteen,  
7 three, five or seven inhabitants of said town to be selectmen  
8 and overseers of the poor, a treasurer and collector of taxes,  
9 agent town school fund, auditor of accounts, and a board  
10 of three assessors of taxes, one for a term of one year, one  
11 for a term of two years, and one for a term of three years,  
12 and thereafter at each of said annual meetings, shall elect  
13 one said assessor of taxes for a term of three years. All  
14 other necessary town officers, including a town manager  
15 shall be appointed as herein provided.

Sect. 3. The board of assessors of taxes provided for in  
2 section two shall serve instead of the assessors of taxes  
3 provided for by general statute, and shall have the same  
4 powers and be subject to the same duties.

Sect. 4. The selectmen elected as herein provided, shall  
2 meet within twenty-four hours after their election and shall  
3 choose by written ballot one of their number to be chairman,  
4 and one of their number to be clerk or secretary, an affidavit  
5 of such choice signed by all the selectmen shall be recorded  
6 by the town clerk in the records of said town, and thereafter  
7 records shall be kept of the doings of all future meetings  
8 of said selectmen. Said records shall be deemed public  
9 records and shall be open at all times to any citizen of said  
10 town.

Sect. 5. Said selectmen, elected as herein provided, shall  
2 serve instead of the superintending school committee, over-  
3 seers or overseer of the poor, board of road commissioners,

4 road commissioner or road commissioners as provided for  
5 by general statute and shall have the same powers in relation  
6 to the schools of said town, the poor of said town, and the  
7 construction and repairs, or roads, bridges and sidewalks  
8 of said town, as the superintending school committee, over-  
9 seers or overseer of the poor and board of road commis-  
10 sioners, road commissioner or commissioners and municipal  
11 officers have under general statutes, and be subject to the  
12 same duties in relation thereto. Said selectmen shall meet  
13 regularly once each week during their term of office at such  
14 time as they may designate at their organization meeting,  
15 provided for in section four, and a majority of said select-  
16 men shall constitute a quorum for the transaction of busi-  
17 ness. Special meetings of said selectmen may be called  
18 by the chairman of said selectmen or by a majority of all  
19 the members of said selectmen. Notice of such special  
20 meetings shall be served upon, or left at the usual dwelling  
21 place of each selectmen and the town manager.

Sect. 6. Each selectman shall receive for his services the  
2 sum of two hundred dollars in full for his services in what-  
3 ever capacity rendered, together with his actual and neces-  
4 sary expenses incurred in the performance of his duties to  
5 be paid monthly by the town treasurer on the first day of  
6 every month during his term of office.

Sect. 7. Said selectmen shall, by ballot by majority vote,  
2 not later than at the third regular meeting of said selectmen,  
3 after said organization meeting, appoint a superintendent of

4 schools, a town manager, said office of town manager being  
5 hereby created, and a health officer none of whom shall be  
6 a member of said board of selectmen. The superintendent  
7 of schools and town manager at the time of their appoint-  
8 ment need not be citizens of the town of Bar Harbor or the  
9 State of Maine. The selectmen may, when a vacancy exists  
10 in the office of town manager or superintendent of schools,  
11 appoint said town manager or superintendent of schools for  
12 a term not exceeding three years except that the superinten-  
13 dent of schools shall be appointed as now provided by  
14 statute. Said selectmen as overseers of the poor, as herein  
15 provided, may authorize the town manager, at the time of  
16 his appointment aforesaid, or at any time thereafter to be  
17 clerk or agent for them as said overseers of the poor to sign  
18 and send the written notices and the written answers re-  
19 ferred to in section thirty-five and thirty-six of chapter  
20 twenty-nine of the revised statutes, and act additional there-  
21 to and amendatory thereof, and such written notices and  
22 written answers shall have the same effect as if signed and  
23 sent by the members of the selectmen, as overseers of the  
24 poor, themselves. Said town manager shall, on and after  
25 his appointment as aforesaid, be the superintendent of roads  
26 of said town.

Sect. 8. All other necessary town officers, now or here-  
2 after, provided by general statute or town ordinance shall  
3 be appointed by the town manager, subject to confirmation  
4 by the selectmen.

Sect. 9. All appointed officers and boards shall hold office  
2 at the pleasure of the appointing power, except that of town  
3 manager, health officer and superintendent of schools. The  
4 town manager and health officer can only be removed upon  
5 written charges and a public hearing before the selectmen,  
6 upon the question previous to the date of their removal but  
7 pending such hearing the selectmen may suspend them from  
8 office. The superintendent of schools cannot be removed  
9 except as provided by general statutes pertaining to removals  
10 of superintendents by school committees.

Sect. 10. The town manager shall be chosen by the select-  
2 men solely on the basis of his executive and administrative  
3 qualifications and his technical knowledge for road construc-  
4 tion, preference in making said appointment to be given to  
5 a duly qualified civil engineer when possible, and he shall  
6 be the administrative head of the town government, and  
7 shall be responsible to the selectmen for the administration  
8 of all departments of the town over which the selectmen,  
9 under this act, and the general statutes have control, and  
10 his powers and duties, where not otherwise herein provided,  
11 shall be generally as follows:

- (a) To see that the laws and ordinances are enforced.
- (b) To exercise control over all departments created  
2 herein, or that may hereafter be created, either by general  
3 law or ordinance.
- (c) To make appointments and removals as provided  
2 herein.

(d) To fix the compensation of his appointees, and  
2 designate the times of payment subject to confirmation by  
3 said selectmen.

(e) To act as purchasing agent for all departments of  
2 the town.

(f) To attend the meetings of the board of selectmen, ex-  
2 cept when his removal is being considered, and recom-  
3 mend for adoption such measures as he may deem ex-  
4 pedient.

(g) To keep the selectmen fully advised as to the busi-  
2 ness, financial condition, and future needs of the town.

(h) To perform such other duties as may be prescribed  
2 by the selectmen.

Sect. 11. As purchasing agent of said town the town  
2 manager shall purchase all supplies and materials for the  
3 town and for the several departments, officers and boards  
4 thereof, and shall see to the delivery of such supplies and  
5 materials to each department, officers and board, and shall  
6 take and file receipts thereof, and all accounts for the pur-  
7 chase of supplies and materials and work performed for  
8 said town shall bear the approval of the town manager when  
9 presented to the selectmen for payment.

Sect. 12. The town manager shall devote his entire time  
2 to his said office, and shall receive for his services a sum  
3 not to exceed four thousand dollars per year, and actual  
4 and necessary expenses incurred in the performance of his

5 duties, to be paid by the town treasurer in monthly payments  
6 on the first day of every month.

Sect. 13. All town officers elected or appointed shall be  
2 sworn by the town clerk to the faithful performance of the  
3 duties of his respective office.

Sect. 14. When not otherwise provided herein, or by law,  
2 the compensation and fees of officers of said town shall be  
3 fixed by vote of the town at its annual meetings.

Sect. 15. No money shall be paid out of the town treasury  
2 except by order issued and signed by a majority of the  
3 selectmen of said town and presented to the treasurer of  
4 said town at the time of payment.

Sect. 16. No officer or employee of the town of Bar Har-  
2 bor, elected or appointed, shall be interested, directly or  
3 indirectly in any contract entered into by or on behalf of  
4 said town for work, material or equipment or the purchase  
5 thereof, to be furnished to, or performed for said town,  
6 and all contracts made in violation thereof are void and the  
7 town treasurer is expressly forbidden to pay any money  
8 out of the town treasury on account of such contract.

Sect. 17. The selectmen of said town shall require a bond  
2 with sufficient surety or sureties, satisfactory to said select-  
3 men, from all persons trusted with the collection, custody  
4 or disbursement of any of the moneys of said town; and  
5 may require such bond from such officials as they may deem  
6 advisable.

Sect. 18. All acts and parts of acts inconsistent herewith



2 in so far as they relate to the town of Bar Harbor in the  
3 county of Hancock are hereby repealed.

Sect. 19. This act shall not become operative until it is  
2 ratified by said town of Bar Harbor, at an annual town  
3 meeting called by a warrant containing an article, for the  
4 purpose, and when so ratified shall take effect on the first  
5 day of January next thereafter.