

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 94

H. P. 319 House of Representatives, Jan. 30, 1929.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Patterson of Freeport.

STATE OF MAINE

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

AN ACT to Provide a Town Council and Manager Form of Government for the Town of Freeport, in the County of Cumberland.

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

Section 1. On and after the passage of this act and its adoption by the town as hereinafter provided, annual town meetings shall be held in the town of Freeport, in the county of Cumberland, on the second Monday of March, in each year, and the voters shall then choose by ballot, as now provided by law, a moderator.

Sect. 2. At such meetings as provided in section one, the

2 voters shall then choose by ballot, as provided by law, seven
3 inhabitants of said town to be known as councillors, an
4 auditor of accounts, member of superintending school com-
5 mittee; all other necessary town officers, including a treas-
6 urer, collector of taxes, clerk and town manager, shall be
7 appointed as herein provided.

At the first meeting held under this act, said councillors
2 shall be chosen as follows: Two for a term of one year,
3 two for a term of two years, three for a term of three years
4 and thereafter at each of said annual meetings two coun-
5 cillors shall be chosen, as herein provided, each for a term
6 of three years, and each third year one additional councillor
7 shall be chosen.

Sect. 3. The councillors provided for in section two shall
2 serve instead of selectmen, overseers of the poor and as-
3 sessors of taxes provided for by general statutes and shall
4 have the same powers and be subject to the same duties.

Sect. 4. At any regular meeting, the councillors may vote
2 to combine the offices of treasurer, collector of taxes and
3 clerk.

Sect. 5. The councillors 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 chair-
4 man, and shall appoint a secretary, an affidavit of such
5 choice of chairman with the appointment of the secretary,
6 signed by a majority of the councillors, shall be recorded

7 by the town clerk in the records of said town and there-
8 after records shall be kept of all the doings of said coun-
9 cillors. Said records shall be public records and shall be
10 open at all time to the inspection of any citizen of said
11 town.

Sect. 6. Said councillors, elected as herein provided, shall
2 serve instead of board of road commissioners, road com-
3 missioner or road commissioners as provided for by gen-
4 eral statutes and shall have the same powers in relation
5 to repairs of bridges, roads and sidewalks of said town, as
6 board of road commissioners, road commissioner or com-
7 missioners and municipal officers have under general stat-
8 utes, and be subject to the same duties in relation thereto.
9 The superintending school committee, elected as herein pro-
10 vided, shall have the same powers in relation to the schools
11 of said town as now provided by statute and shall be sub-
12 ject to the same duties in relation thereto. The councillors
13 shall meet once each month at such times as they may desig-
14 nate in their organization meeting provided for in section
15 four, and three members of said councillors shall constitute
16 a quorum for the transaction of business. Special meetings
17 of said councillors may be called by the chairman of said
18 councillors or by a majority of all the members of said
19 councillors. Notice of such special meeting shall be served
20 upon or left at the usual dwelling place of each councillor
21 and the town manager.

Sect. 7. The councillors shall serve without pay except

2 that each shall be paid his actual and necessary expenses
3 incurred in the performance of his duties, to be paid by the
4 town treasurer.

Sect. 8. Said councillors shall, by ballot by a majority
2 vote, not later than at the third regular meeting of said coun-
3 cillors, after said organization meeting, appoint a town man-
4 ager, said office of town manager being hereby created, and
5 a health officer, none of whom shall be a member of said
6 board of councillors. The councillors may, when a vacancy
7 exists in the office of town manager, appoint said town
8 manager for a term not exceeding three years. Said coun-
9 cillors as overseers of the poor, as herein provided, may
10 authorize the town manager, at the time of his appoint-
11 ment aforesaid, or at any time thereafter, to be clerk or
12 agent for them as said overseers of the poor, to sign and
13 send the written notices and the written answers referred
14 to in section thirty-five and section thirty-six of chapter
15 twenty-nine of the revised statutes, and acts additional
16 thereto, and amendatory thereof. And such written notices
17 and written answers shall have the same effect as if signed
18 and sent by the members of the councillors, as overseers of
19 the poor, themselves. Said town manager shall, on and
20 after his appointment as aforesaid, be the superintendent
21 of roads of said town.

Sect. 9. All other necessary town officers, now or here-
2 after, provided by general statute or town ordinance, in-

3 cluding treasurer, collector of taxes and clerk, shall be ap-
4 pointed by the councillors.

Sect. 10. All appointed officers and boards shall hold office
2 at the pleasure of the appointing power, except that of town
3 manager and health officer, who can only be removed upon
4 written charges and a public hearing before the councillors,
5 upon the question. Previous to the date of his removal,
6 but pending such hearing, the councillors may suspend them
7 from office.

Sect. 11. The town manager shall be chosen by the coun-
2 cillors solely on the basis of his executive and administra-
3 tive qualifications and his technical knowledge for road con-
4 struction, preference in making said appointment to be given
5 to 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 councillors for the administra-
8 tion of all departments of the town over which the coun-
9 cillors under this act, and the general statutes have con-
10 trol, and his powers and duties, where not otherwise herein
11 provided, 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 act as purchasing agent for all departments of
2 the town.

(d) To attend the meetings of the board of councillors,

2 except when his removal is being considered, and recom-
3 mend for adoption such measures as he may deem expe-
4 dient.

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

(f) To perform such other duties as may be prescribed
2 by the councillors.

Sect. 12. As purchasing agent of said town, the town man-
2 ager shall purchase all supplies and materials for the town
3 and for the several departments with the exception of the
4 school department, and shall see to the delivery of such
5 supplies and materials to each department, and shall take
6 and file receipts thereof, and all accounts for the purchase
7 of supplies and materials and work performed for said town
8 with the exception of accounts for the purchase of supplies
9 and materials and work for the school department, shall
10 bear the approval of the town manager when presented to
11 the councillors for payment.

Sect. 13. The town manager shall devote his entire time
2 to his said office, and shall receive for his services a rate
3 of compensation to be fixed by the councillors and actual
4 and necessary expenses incurred in the performance of his
5 duties, to be paid by the town treasurer in monthly pay-
6 ments on the first day of every month.

Sect. 14. All town officers elected or appointed shall be
2 sworn by the town clerk to the faithful performance of the
3 duties of their respective offices.

Sect. 15. When not otherwise provided herein, the com-
2 pensation and fees of officers of said town shall be fixed
3 by a vote of the councillors.

Sect. 16. No money shall be paid out of the town treas-
2 ury except by order issued and signed by the councillors or
3 their representative authorized for the purpose and pre-
4 sented to the treasurer of said town at the time of payment.

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

Sect. 18. All acts or parts of acts inconsistent herewith
2 in so far as they relate to the town of Freeport, in the coun-
3 ty of Cumberland, are hereby repealed.

Sect. 19. This act shall not become operative until it is
2 ratified by said town of Freeport, at an annual town meet-
3 ing or at a special town meeting called for that purpose, by
4 an appropriate article inserted in the call for said meeting,
5 within two years from the passage of this act; and when
6 so ratified shall take effect on the first day of January next
7 following said ratification.