

# MAINE STATE LEGISLATURE

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# EIGHTY-FOURTH LEGISLATURE

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**House Document**

**No. 103**

H. P. 322. House of Representatives, Jan. 30, 1929.

Referred to Committee on Legal Affairs and 1000 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Bishop of Boothbay Harbor.

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## STATE OF MAINE

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

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AN ACT to Provide a Town Manager Form of Government  
for the Town of Boothbay Harbor.

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

Section 1. Annual town meeting; officers to be elected  
2 under general law. Annual town meetings shall be held in  
3 the town of Boothbay Harbor in the county of Lincoln, on  
4 the first Monday of March in each year, and the voters  
5 shall then choose, by ballot, as now provided by law, a mod-  
6 erator and clerk.

Sect. 2. Officers to be elected. At such annual meetings  
2 the voters shall choose by ballot, as now provided by law, a

3 council of seven inhabitants of said town, a treasurer, an  
4 auditor of accounts, a board of three assessors of taxes, one  
5 for a term of one year, one for a term of two years and  
6 one for a term of three years, and thereafter at each of  
7 said annual meetings shall elect one said assessor of taxes  
8 for a term of three years, and a school board of three mem-  
9 bers, one for a term of one year, one for a term of two  
10 years and one for a term of three years and thereafter at  
11 each of said annual meetings shall elect one said member of  
12 the school board for a term of three years. All other neces-  
13 sary town officers including a town manager shall be ap-  
14 pointed as herein provided.

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

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

Sect. 5. Powers and duties of council; meetings. Said  
2 council, elected as herein provided, shall serve instead of  
3 the selectmen, overseers of the poor, board of road com-  
4 missioners, road commissioner or road commissioners as  
5 provided for by general statute and instead of the water  
6 commissioners provided for by chapter fifty-six of the  
7 private and special laws of eighteen hundred ninety-five,  
8 and shall have the same powers in relation to the poor of  
9 said town, the construction and repairs of roads, bridges  
10 and sidewalks of said town and the operation and manage-  
11 ment of the water system of said town as the overseers of  
12 the poor, board of road commissioners, road commissioner  
13 or road commissioners, water commissioners and municipal  
14 officers have under general or special statutes, and be sub-  
15 ject to the same duties in relation thereto. The school  
16 board as herein provided shall have the same powers in re-  
17 lations to the schools of said town as now provided by  
18 statute except as may hereinafter be provided and shall be  
19 subject to the same duties in relation thereto. Said council  
20 shall meet regularly once each week during their term of  
21 office at such time as they may designate at their organiza-  
22 tion meeting provided for in section four, and a majority  
23 of said council shall constitute a quorum for the transaction  
24 of business. Special meetings of said council may be called  
25 by the chairman or by a majority of all the members of  
26 said council. Notice of such special meetings shall be

27 served upon, or left at the usual dwelling place of each  
28 member of the council and the town manager.

Sect. 6. Salaries and expenses of council and assessors.

2 Each member of the council shall serve without pay except  
3 for his actual and necessary expenses incurred in the per-  
4 formance of his duties which shall be paid by the town  
5 treasurer on the first day of every month during his term  
6 of office. Each assessor of taxes shall receive the sum of  
7 fifty dollars annually in full for his services.

Sect. 7. Council to appoint town manager and health of-  
2 ficer; qualifications of town manager. Said council shall,  
3 by ballot by majority vote, not later than the third regular  
4 meeting of said council after said organization meeting, ap-  
5 point a town manager, said office of town manager, being  
6 hereby created, and a health officer neither of whom shall  
7 be a member of the board of selectmen. The town man-  
8 ager, at the time of his appointment, need not be a citizen  
9 of the town of Boothbay Harbor or the state of Maine.  
10 The council may, when a vacancy exists in the office of  
11 town manager appoint said town manager for a term not  
12 exceeding three years. Said council as overseers of the  
13 poor, as herein provided, may authorize the town manager,  
14 at the time of his appointment aforesaid, or at any time  
15 thereafter, to be clerk or agent for them as overseers of  
16 the poor to sign and send the written notices and the writ-  
17 ten answers referred to in section thirty-five and section  
18 thirty-six of chapter twenty-nine of the revised statutes,

19 and acts additional thereto and amendatory thereof, and  
20 such written notices and written answers shall have the  
21 same effect as if signed and sent by the members of the  
22 council, as overseers of the poor, themselves. Said town  
23 manager shall, on and after his appointment as aforesaid,  
24 be the superintendent of roads of said town.

Sect. 8. Collection of taxes. The town manager shall be  
2 the collector of taxes of said town and as such shall serve  
3 instead of the collector of taxes provided for by statute and  
4 shall have the same powers and be subject to the same  
5 duties.

Sect. 9. Other town officers to be appointed by town  
2 manager. All other necessary town officers, now or here-  
3 after provided by general statute or town by-law shall be  
4 appointed by the town manager, subject to confirmation  
5 by the council.

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

Sect. 11. Powers and duties of town manager. The town  
2 manager shall be chosen by the council solely on the basis  
3 of his executive and administrative qualifications and his  
4 technical knowledge of road construction, preference in

5 said appointment to be given to a duly qualified civil engi-  
6 neer when possible, and he shall be the administrative head  
7 of the town government and shall be responsible to the  
8 council for the administration of all departments of the  
9 town over which the council under this act and under the  
10 general statutes have control and his powers and duties  
11 when not otherwise herein provided, shall be generally as  
12 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 by-law.

(c) To make appointments and removals as provided  
2 herein.

(d) To fix the compensation of his appointees and desig-  
2 nate the times of payment subject to confirmation of said  
3 council.

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

(f) To attend the meetings of the council, except when  
2 his removal is being considered, and recommend for adop-  
3 tion such measures as he may deem expedient.

(g) To keep the council fully advised as to the business,  
2 financial condition and future needs of the town.

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

Sect. 12. Duties as purchasing agent. As purchasing

2 agent of said town, the town manager shall purchase all  
3 supplies and materials for the town and for the several de-  
4 partments, officers and boards thereof including the school  
5 board, and shall see to the delivery of such supplies and  
6 materials to each department, officers and board, and shall  
7 take and file receipts therefor, and all accounts for the pur-  
8 chase of supplies and materials and work performed for  
9 said town shall bear the approval of the town manager  
10 when presented to the council for payment.

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

Sect. 14. Officers to be sworn. All town officers elected  
2 or appointed shall be sworn by the town clerk to the faith-  
3 ful performance of the duties of his respective office.

Sect. 15. Compensation of town officers. When not oth-  
2 erwise provided herein, or by law, the compensation and  
3 fees of officers of said town shall be fixed by vote of the  
4 town at its annual meetings.

Sect. 16. Payments from treasury. No money shall be  
2 paid out of the town treasury except by order issued and  
3 signed by a majority of the council or their representative



4 authorized for the purpose and presented to the treasurer  
5 at the time of payment.

Sect. 17. Officers and employees not to be interested in  
2 contracts. No officer or employee of the town of Boothbay  
3 Harbor, elected or appointed, shall be interested, directly  
4 or indirectly, in any contract entered into by or in behalf  
5 of said town for work, material, labor or equipment or the  
6 purchase thereof, to be furnished to, or performed for said  
7 town, and all contracts made in violation thereof are void  
8 and the town treasurer is expressly forbidden to pay out  
9 any money from the town treasury on account of such con-  
10 tract.

Sect. 18. Bonds required from officers. The council of  
2 said town shall require a bond with sufficient surety or  
3 sureties satisfactory to said council from all persons trusted  
4 with the collection, custody or disbursement of any of the  
5 moneys of said town; and may require such bond from  
6 such officials as they may deem advisable.

Sect. 19. Inconsistent acts repealed. All acts and parts  
2 of acts inconsistent herewith, in so far as they relate to  
3 the town of Boothbay Harbor in the county of Lincoln are  
4 hereby repealed.

Sect. 20. Local referendum provided for. This act shall  
2 not become operative until it is ratified by said town of  
3 Boothbay Harbor at a town meeting called by a warrant  
4 containing an article for the purpose within two years of

5 the passage of this act, and when so ratified shall take ef-  
6 fect on the first Monday of March thereafter.