

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 573

H. P. 1565 House of Representatives, March 1, 1929.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Rumill of Tremont.

STATE OF MAINE

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

AN ACT to Provide Better Government for the Town of
Mount Desert.

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 Mount Desert, 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 one hundred ninety-one, of the private and special laws for
4 the year one thousand nine hundred and seventeen, three,

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

Sect. 3. The board of assessors of taxes, provided for
2 in 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 chair-
4 man, and one of their number to be clerk or secretary. An
5 affidavit of such choice, signed by all the selectmen, shall
6 be recorded by the town clerk in the records of said town,
7 and thereafter records shall be kept of the doings of all
8 future meetings of said selectmen. Said records shall be
9 deemed public records and shall be open at all times to any
10 citizen of said 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 rela-
6 tion to the schools of said town, the poor of said town, and
7 the construction and repairs of roads, bridges and side-
8 walks of said town, as the superintending school commit-
9 tee, overseers or overseer of the poor and board of road
10 commissioners, road commissioner or commissioners and
11 municipal officers have under general statutes, and be sub-
12 ject to the same duties in relation thereto. Said selectmen
13 shall meet regularly once each week during their term of
14 office at such time as they may designate at their organiza-
15 tion meeting, provided for in section four, and a majority
16 of said selectmen shall constitute a quorum for the trans-
17 action of business. Special meetings of said selectmen may
18 be called by the chairman of said selectmen or by a ma-
19 jority of all the members of said selectmen. Notice of such
20 special meetings shall be served upon, or left at the usual
21 dwelling place of each selectman 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,
5 to be paid monthly by the town treasurer on the first day
6 of 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
4 of schools, a town manager, said office of town manager

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

2 office at the pleasure of the appointing power, except that
3 of town manager, health officer and superintendent of
4 schools. The town manager and health officer can only be
5 removed upon written charges and a public hearing before
6 the selectmen, upon the question previous to the date of
7 their removal, but pending such hearing the selectmen may
8 suspend them from office. The superintendent of schools
9 can not be removed except as provided by general statute
10 pertaining to the removal of superintendent by school com-
11 mittees.

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 con-
4 struction, preference in making said appointment to be
5 given to a duly qualified civil engineer when possible, and
6 he shall be the administrative head of the town govern-
7 ment, and shall be responsible to the selectmen for the ad-
8 ministration of all departments of the town over which the
9 selectmen, 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 make appointments and removals as provided
2 herein.

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

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

(f) To attend the meetings of the board of selectmen, except when his removal is being considered, and recommend for adoption such measures as he may deem expedient.

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

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

Sect. 11. As purchasing agent of said town, the town manager shall purchase all supplies and materials for the town and for the several departments, officers and boards thereof, and shall see to the delivery of such supplies and materials to each department, officers and board, and shall take and file receipts thereof, and all accounts for the purchase of supplies and materials and work performed for said town shall bear the approval of the town manager when presented to the selectmen for payment.

Sect. 12. The town manager shall devote his entire time to his said office, and shall receive for his services a sum not to exceed four thousand dollars per year, and actual and necessary expenses incurred in the performance of his duties, to be paid by the town treasurer in monthly pay-

6 ments 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
2 treasury except by order issued and signed by a majority
3 of the selectmen of said town and presented to the treas-
4 urer of said town at the time of payment.

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

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 entrusted with the collection, cus-
4 tody or disbursement of any of the moneys of said town;
5 and may require such bond from such officials as they may
6 deem advisable.

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

2 in so far as they relate to the town of Mount Desert 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 Mount Desert, at an annual town
3 meeting, or at a special meeting called by a warrant con-
4 taining an article for the purpose, and when so ratified shall
5 take effect on the first day of January next thereafter.