

MAINE STATE LEGISLATURE

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DECEMBER SPECIAL SESSION

E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 160

H. P. 135

House of Representatives, Dec. 8, 1933.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Tompkins of Houlton.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND
THIRTY-THREE

**AN ACT to Provide a Commission Form of Government For the Town of
Houlton.**

Emergency Preamble. Whereas, the town of Houlton, in the county of Aroostook, has certain expenses and liabilities which must be met as they become due and whereas it is immediately necessary that provisions be made for raising revenue and for the general government of said town, and

Whereas, the aforesaid are immediately necessary for the preservation of the public peace, health and safety and in the judgment of this legislature, these facts constitute an emergency as contemplated by the constitution, now therefore

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

Sec. 1. Date of town meetings. 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 Houlton, in the county of Aroostook, on the 3rd Monday of March in each year, and the voters shall then choose by ballot, as now provided by law, a moderator.

Sec. 2. Election of officers. At such meetings, the voters shall choose by ballot, as hereinafter provided, 5 inhabitants of said town to be known

as councillors, a town clerk, an auditor of accounts, and a member of the superintending school committee. The councillors shall annually select a town treasurer and a tax collector; and once in 3 years a health officer, subject to the approval of the state commissioner of health as now provided by general law; and when a vacancy exists, shall select a town manager, with the duties hereinafter defined, for a term not to exceed 3 years. Except as hereinafter provided, all other necessary town officers provided by this act or now or hereafter provided under any statute or by-law shall be appointed by the town manager.

At the first meeting held under this act, said councillors shall be chosen as follows: 2 for a term of 1 year, 2 for a term of 2 years, and 1 for a term of 3 years, and thereafter at each of said annual meetings 2 councillors shall be chosen as herein provided, each for a term of 3 years, provided, however, that in each 3rd year but 1 councillor shall be chosen; and provided further, that vacancies in the office of town councillor due to death, resignation or other cause shall be filled at the next annual meeting for the unexpired term.

Sec. 3. Councillors serve ex-officio as certain officers. The councillors provided for in section 2 shall serve instead of selectmen, overseers of the poor and assessors of taxes provided for by general statutes and shall have the same powers and be subject to the same duties.

Sec. 4. Organization meeting. The councillors elected as herein provided shall meet within 24 hours after their election and shall choose by ballot one of their number to be chairman, and shall appoint a secretary; an affidavit of such choice of chairman with the appointment of the secretary, signed by a majority of the councillors, shall be recorded by the town clerk in the records of said town and thereafter records shall be kept of all the doings of said councillors. Said records shall be public records and shall be open at all times to the inspection of any citizen of said town.

Sec. 5. Duties of councillors; school committee. Said councillors elected as herein provided, shall serve instead of a board of road commissioners, road commissioner or road commissioners as provided for by general statutes and shall have the same powers in relation to repairs of bridges, roads and sidewalks of said town, as boards of road commissioners, road commissioner or commissioners and municipal officers have under general statutes, and be subject to the same duties in relation thereto. The superintending school committee, elected as herein provided, shall have the same powers in relation to the schools of said town as now provided by statute and shall be subject to the same duties in relation thereto. The councillors shall meet twice each month at such times as they may designate in their organization meeting provided for in section 4, and 3

members of said councillors shall constitute a quorum for the transaction of business. Special meetings of said councillors may be called by the chairman of said councillors, or by a majority of all the members of said councillors. Notice of such special meeting shall be mailed to, served upon or left at the usual dwelling place of each councillor and the town manager, at least 24 hours before such meeting.

Sec. 6. Compensation. Each councillor shall receive \$5 per diem when actually engaged in duties as councillor, and his actual and necessary expenses incurred in the performance of his duties outside of such meetings, these expenses to be paid by the town treasurer.

Sec. 7. Town Manager. Said councillors shall by ballot by a majority vote, not later than at the 3rd regular meeting of said councillors, after said organization meeting, appoint a town manager, said office of town manager being hereby created, who shall not be a member of said board of councillors. Said councillors as overseers of the poor, as herein provided, may authorize the town manager, at the time of his appointment aforesaid, or at any time thereafter, to be clerk or agent for them as said overseers of the poor, to sign and send the written notices and the written answers referred to in section 31 and section 32 of chapter 33 of the revised statutes, and acts additional thereto, and amendatory thereof. Any such written notices and written answers shall have the same effect as if signed and sent by the members of the councillors, as overseers of the poor, themselves. Such town manager shall, on and after his appointment as aforesaid, by the superintendent of roads of said town.

Sec. 8. Special power of councillors. At any regular meeting, the councillors may vote to combine the offices of collector of taxes and town manager.

Sec. 9. Terms of town officers. All appointed officers and boards shall hold office at the pleasure of the appointing power, except that of town manager and health officer, who can only be removed upon written charges and a public hearing before the councillors, upon the question. Previous to the date of his removal, but pending such hearing, the councillors may suspend them from office.

Sec. 10. Powers and duties of town manager. The town manager shall be chosen by the councillors solely on the basis of his executive and administrative qualifications and his technical knowledge for road construction, preference in making said appointment to be given to a duly qualified civil engineer when possible, and he shall be the administrative head of the town government, and shall be responsible to the councillors for the administration of all departments of the town over which the councillors under this

act, and the general statutes have control, and his powers and duties, where not otherwise herein provided, shall be generally as follows :

- (a) To see that the laws and ordinances are enforced.
- (b) To exercise control over all departments created herein or that may hereafter be created, either by general law or ordinance.
- (c) To act as purchasing agent for all departments of the town, except for the school department, and must submit to competitive bids any transaction involving more than one hundred dollars if the council so orders.
- (d) To attend the meetings of the board of councillors, except when his removal is being considered, and recommend for adoption such measures as he may deem expedient.
- (e) To keep the councillors fully advised as to the business, financial condition, and future needs of the town.
- (f) To perform such other duties as may be prescribed by the councillors.

Sec. 11. Duties as purchasing agent. As purchasing agent of said town, the town manager shall purchase all supplies and materials for the town and for the several departments with the exception of the school department, and shall see to the delivery of such supplies and materials to each department, and shall take and file receipts thereof, and all accounts for the purchase of supplies and materials and work performed for said town with the exception of accounts for the school department, shall bear the approval of the town manager when presented to the councillors for payment.

Sec. 12. Salary. The town manager shall devote his entire time to his said office, and shall receive for his services a rate of compensation to be fixed by the councillors and actual and necessary expenses incurred in the performance of his duties, to be paid by the town treasurer in monthly payments on the first day of every month.

Sec. 13. Officers to be sworn. All town officers elected or appointed shall be sworn by the town clerk to the faithful performance of the duties of their respective offices.

Sec. 14. Compensation of officers. When not otherwise provided herein, the compensation and fees of officers of said town shall be fixed by a vote of the councillors.

Sec. 15. Payments from treasury limited. No money shall be paid out of the town treasury except by order issued and signed by the councillors or their representative authorized for the purpose and presented to the treasurer of said town at the time of payment.

Sec. 16. Bonds of officials. The councillors of said town shall require a bond with sufficient surety or sureties, satisfactory to said councillors,

from all persons trusted with the collection, custody, or disbursement of any of the moneys of the said town; and may require such bond from such officials as they may deem advisable.

Sec. 17. Repealing clause. All acts or parts of acts inconsistent herewith in so far as they relate to the town of Houlton, in the county of Aroostook, are hereby repealed.

Sec. 18. Ratification. This act shall not become operative until it is ratified by said town of Houlton, at an annual town meeting or at a special town meeting called for that purpose by an appropriate article inserted in the call for said meeting, prior to April 1, 1934. Such vote shall be by check list and this act when so ratified shall take effect on the 3rd Monday in March next following said ratification.

Sec. 19. Town may discontinue act by vote. This act shall become immediately and thenceforth inoperative from the time of the adoption of a vote to that effect by a majority of the legally qualified voters of the town at any regular annual town meeting, if an appropriate article is inserted in the call for said meeting. Such vote shall be by check list.