

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 289

H. P. 843

House of Representatives, January 31, 1935.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Burgess of Rumford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

**AN ACT to Provide a Manager Form of Government for the Town of
Rumford.**

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

Sec. 1. The municipal year; town meeting. The municipal year of the town of Rumford shall be the calendar year. The annual town meeting shall be held in the town hall of Rumford, Oxford county, on the 1st Monday in February of each year. A moderator and 1 constable shall be chosen and the other articles in the warrant shall be acted upon forthwith, after which the polls shall be opened for the balloting for the town officers named in section 2, and any other articles to be acted upon by Australian ballot.

Special town meetings may be called in the manner set forth in the general statutes.

Sec. 2. Election of officers. The governing boards and officers of the town, to be balloted upon and elected by the qualified voters at the annual town meeting as hereinafter provided, shall be:—A board of 5 selectmen, who shall be ex officio overseers of the poor, a superintending school committee of 3, a board of assessors of 3, a tax collector, town treasurer and a town clerk.

At the first annual town meeting held under this act, the members of the board of selectmen shall be chosen as follows:—2 receiving the highest

number of votes to serve for 3 years, 2 receiving the next highest number of votes to serve for 2 years and 1 receiving the next highest number of votes to serve for 1 year; and thereafter at each annual meeting only the necessary number of members of the board shall be elected as may be required to maintain the full number of 5 and each shall serve for a term of 3 years.

As the members of the superintending school committee are now elected each for a 3 year term, those whose term has not expired when this act shall take effect shall continue to serve until their term expires and only the vacancies shall be filled at the first election hereunder. Thereafter, one member shall be elected each year for a term of 3 years.

The members of the board of assessors shall be elected for a term of 3 years, except in the case of the first election hereunder, when the one receiving the highest number of votes shall serve for 3 years, the one receiving the next highest number shall serve for 2 years and the one receiving the next highest number shall serve for 1 year.

The tax collector, the town treasurer and the town clerk shall each be elected for a term of 1 year.

No two of the above elective offices, except the offices of town treasurer and town clerk, may be held at one time by the same person and no officer so elected may hold any appointive office in the town, except that any officer may also be appointed constable.

Any vacancy occurring for any reason in any elective office, shall be filled by election at a special election duly and promptly called by the board of selectmen and the person so elected shall hold office for the unexpired term, only, of the predecessor in that office. All officers serving at the time this act shall become effective shall continue to serve until their successors are duly elected and qualified and thereupon their terms of office shall expire.

Each officer elected shall be sworn to the faithful performance of the duties of the office by a person duly qualified by statute to administer oaths and a certificate thereof shall be entered in the town records before such officer may assume the duties of office.

Sec. 3. Organization meetings. Within 24 hours after the adjournment of each annual town meeting, the elected and qualified officers of each board shall meet and choose by ballot one of their number to serve as chairman for the ensuing year and may, if they wish, appoint a secretary. The result of this choice and selection shall be recorded in the town records by a certificate signed by the majority of each board.

Regular meetings of the board of selectmen shall be held at the select-

men's office on the 1st and 3rd Wednesday evening of each month. Regular meetings of the superintending school committee shall be held in the superintendent's office on the evening of the 2nd Tuesday of each month.

Special meetings of either board may be called, whenever expedient, by the chairman or a majority of the members after proper notice to all qualified members.

Each board shall record any and all final and determined policy or action voted at their regular and special meetings within 24 hours after said meetings and such records shall be public records, open at all times to the inspection of any citizen of Rumford.

Sec. 4. Duties of elective officers; board of selectmen. The 5 persons elected to serve as selectmen shall also serve as municipal officers and overseers of the poor and shall have the same powers and be subject to the same duties in these capacities as are set forth under the general statutes, except as otherwise provided herein. The board of selectmen shall be charged with the responsibility of the administration of the town's affairs and shall act as a unit according to the majority expression of the board. They shall lay out the general policies for the year, and from time to time, as expressed in the annual town meeting and shall see that the town manager carries out their instructions in a practical, efficient and economical manner within the appropriations provided. The individual members of the board of selectmen shall refrain from the exercise of executive functions and shall work through the town manager as executive officer, without interference or conflict. Any action by any individual member of the board contrary to the acts of the town manager as expressed by the majority of the board, shall be reported to the board by the manager and shall not be binding upon the town unless approved and ratified by the majority of the board.

The board of selectmen may, as overseers of the poor, authorize the town manager to act as agent for them, as said overseers of the poor, to sign and send written notices and 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 selectmen themselves, as overseers of the poor.

The selectmen shall by ballot, not later than their 3rd regular meeting after the annual organization meeting, appoint a town manager, but only in the case of a vacancy or at the expiration of an existing appointment, for a period of time to suit their pleasure but not more than 3 years. He need not be a resident of the town at the time of his appointment.

The selectmen shall also appoint at the same meeting from a list of at least 20 nominations furnished them by the moderator of the annual town meeting, 15 members to serve as a budget reviewing committee, 5 of whom shall serve 3 years, 5 2 years and 5 1 year and thereafter 5 shall be appointed each year for 3-year terms, from a list of 8 nominations by the moderator.

The selectmen shall appoint, from a list of at least 3 nominations furnished them by said committee of 15, a town auditor, whose appointment shall be for a term not longer than 3 years. They shall appoint a health officer, subject to the approval of the state commissioner of health and welfare but such appointment shall not be for a term longer than 3 years. The selectmen shall also appoint a library commission of 5, a board of trustees of the Rumford and Mexico Water District of 3, and a board of trustees of the Rumford School District of 5. These appointments shall not hold for a period of years greater than the number of persons serving on the respective boards and shall be so designated that the term of one member shall expire each year.

The selectmen shall prepare and publish, not later than December 1 of each year, a recommended program by months for the coming calendar year, setting forth in accurate detail, proper estimates of cost or expense of such items in the program as must be met. They shall review the calendar year just passed and publish not later than January 15 of each year a detailed statement of expenditures, by months, of all moneys spent by the town under their administration, properly classified by appropriations and accounts.

The 3 persons elected, as herein provided, to act as the superintending school committee, shall have the same powers in relation to the schools of said town of Rumford as are now provided by statutes and shall be subject to the same duties in relation thereto. They shall, within 1 month of their election, but only in case of a vacancy or at the expiration of an existing appointment, appoint a superintendent of schools but such appointment shall not be for a greater term than 3 years. The superintending school committee shall prepare and publish reports similar, in their department, to those covered in the paragraph just above for the selectmen.

The 3 persons elected, as provided herein, to serve as assessors shall have the same powers and be subject to the duties and responsibilities as are defined for town and city assessors in the general statutes.

The tax collector, the town treasurer and the town clerk shall have the same powers and be subject to the duties and responsibilities as are provided in the general statutes and shall furnish the board of selectmen, within 7 days after the close of each month, a report of the receipts and their

sources for each preceding month, together with such comments on the conditions within their jurisdiction as they consider pertinent or for which they may be asked.

Sec. 5. Duties of appointive officers; town manager. The town manager shall be the sole road commissioner and building inspector. He shall be chosen solely on the basis of his executive and administrative qualifications, his technical knowledge of road construction and integrity of character. He shall be the administrative and executive head of the town government and shall be responsible solely to the board of selectmen, as a unit, for the administration of all departments of the town over which the board of selectmen under this act and under the general statutes have control. He shall devote his entire time to the administration of his office as town manager.

The town manager's 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, in a reasonable and equitable manner, over all departments created herein or that may be hereafter created by general law or by ordinance.
- (c) To act as purchasing agent for all departments of the town, except for the school department, in which case the superintendent of schools shall act as purchasing agent for the superintending school committee in a similar manner as set forth herein.

As purchasing agent, the town manager for the town and all departments of the town, except the school department, and the superintendent of schools for the school department, shall purchase all supplies and materials and shall see to the delivery of such to each department, and shall take and file receipts thereof, and all bills for the purchase of supplies and materials and work performed for said town shall bear their respective signatures of approval when presented to the board of selectmen for payment, and such presentation shall not be delayed after the receipt of the approved account for the same.

In the case of the town purchases and in the case of the school purchases, the town manager and the superintendent of schools, respectively, shall not commit the town to expenditures of over \$100 without first having obtained the majority approval of their respective boards and shall, if the boards so direct, receive and submit to the boards for decision, competitive bids on orders exceeding this amount.

- (d) To attend all regular and special meetings of the board of select-

men, except when his removal is being considered, and to recommend for adoption such measures as he may deem expedient.

(e) To keep the board of selectmen, as a body and at their regular meetings, fully and accurately advised as to the business and financial condition and future needs of the town and shall prepare and submit to the board a written report each month of the expenditures according to appropriations and accounts, not later than the 2nd regular meeting following the close of the month, which report shall become a part of the public record and accessible to all citizens.

The town manager shall act strictly in accordance with the instructions and policies as indicated by the majority of the board of selectmen as established at their meetings and shall refrain from exercising the initiative without the knowledge and approval of the majority of the board. The manager shall constantly strive to bring all matters and all phases of such matters to the attention of the board in ample time to permit thorough understanding and avoid the necessity of hasty decisions based on incomplete or inadequate knowledge.

(f) To recommend to the selectmen for appointment all other necessary town officers not specifically provided for.

(g) To perform such other duties as may be prescribed by the board of selectmen.

Upon notification of appointment and time and place of initial meeting, the committee of 15 shall meet and appoint from among its members a chairman and secretary and shall thereafter meet at the request of the board of selectmen for discussion and recommendation on matters which the board may wish to present.

The committee shall hold a meeting during the 1st week of December of each year to consider recommendations to the town for appropriations to be made at the coming annual town meeting. At this meeting, the board of selectmen by its chairman, and the superintending school committee by its chairman, shall present to the committee of 15 the recommendations of their boards for expenditures for the ensuing year and shall at this meeting or subsequent meetings of the committee furnish such detail and accurate data as to enable the committee to clearly understand the intent of all recommendations and expenditures proposed.

Also at this meeting, the town manager and the superintendent of schools shall present to the committee a detailed analysis of the town's actual expenditures from January 1 to December 1 of the year just past, together with an estimate, in the best of their judgment of the expenditures necessary to complete the calendar year. They shall furnish the committee such detail and accurate data at this meeting or subsequent meetings as

the committee may ask to obtain clear understanding of the costs and necessities of expenditures of the town's finances. On or before January 15, they shall present the committee with the final figures of expenditures for the calendar year just completed.

The committee of 15 shall hold such additional meetings as it may determine necessary to properly consider the past and proposed expenditures of the town, not less than 3 of such meetings shall be open to the public for the purpose of receiving comments and suggestions based upon the information placed before it. Not later than January 25 the committee shall hold its final meeting and make definite recommendations to the annual town meeting on all articles in the warrant for said meeting, calling for the appropriations of town moneys, and shall designate one or more of its members to explain at said town meeting the reasons for its recommendations.

In addition to the duties required by the general statutes for town auditors, the auditor shall, by a report each month, call attention of the board of selectmen to any accounts which indicate possible overdrafts before the end of the calendar year with such recommendations as may seem desirable to obviate such possibilities. The auditor shall also examine the expense accounts of all officials of the town and shall call the attention of the board, for appropriate action, to any items which in his opinion are excessive or without justification. The auditor shall also examine the warrant for the annual town meeting and call the attention of the board to any omissions for necessary financial obligations of the town.

The library commission, trustees of the water district and trustees of the school district shall have the same powers, duties and responsibilities as are now exercised under the general statutes, laws and ordinances now or hereafter effective and each shall make known the requirements and conditions of affairs under their jurisdiction in annual reports and as may be requested from time to time by proper authorities.

Sec. 6. Compensation of town officers. The amount to be paid as salaries to the various town officers, elected at the annual town meeting, shall be fixed annually by the voters at the annual town meeting.

The amount to be paid as salaries to the various town officers who hold office by virtue of appointment shall be fixed annually by the appointive power.

Expenses incurred in the discharge of the town's business shall be allowed and paid, only when approved by the board of selectmen for the town and superintending school committee for the school department.

The amounts thus determined and fixed as above for all elective and

appointive officers and clerks shall be the total amount of compensation for services to the town in the discharge of the duties and services rendered. No fees, commissions or other compensation shall be retained by any officer or clerk, in addition to the above remunerations, but shall be paid over in full to the town treasurer as moneys due the town of Rumford.

Sec. 7. Termination of appointments. In the case of appointive officers, the appointing power may remove any officer so appointed for proper cause.

Sec. 8. Bonds for officers. The tax collector, town treasurer, town clerk and town manager shall furnish bonds with sufficient surety or sureties and terms satisfactory to the board of selectmen, who may if they see fit, require bonds of any other town officer or clerk; said bonds to be paid for by the town.

Sec. 9. Moneys received. All moneys due the town and collected from excise taxes, railroad, bank stock and telephone tax, or other similar taxes, from licenses, permits, rentals, and from individuals and other parties for work performed or materials supplied other than state, county or town services, equipment rentals and all other cash receipts, except state aid funds or reimbursements from other towns and municipalities shall be received and classified by the town treasurer. The total of moneys received from these and similar miscellaneous sources shall be determined by the town treasurer at the time the assessors make their annual property tax commitment and the amount then determined shall be deducted from the total appropriations made by the town and the balance less the amount of the poll tax receipts shall be spread on the taxable property of the town by the assessors. The collector of taxes shall turn over to the town treasurer at the end of each week and more frequently if requested all moneys received by him and shall obtain a proper receipt therefor.

Sec. 10. Moneys expended. No money shall be paid out of the town treasury except by order issued and signed by a majority of the board of selectmen and presented to the treasurer for payment. It shall be the duty of the town manager to see that moneys of the town advanced in anticipation of reimbursement by the state, other towns and municipalities, shall not be the subject of dispute, shall be promptly collected and credited to the proper account. The credit of the town shall not be advanced, in the supplying of materials, performance of work or services, or in any other way, to any individuals or projects, not strictly town business, without the

knowledge and consent of the entire board of selectmen, who may if they see fit require advance deposits or other suitable assurance of reimbursement.

Sec. 11. Overdrafts. As an aid to the board of selectmen in preventing overdrafts in any accounts and to assist in determining that the unexpended balance will be sufficient to carry any account successfully to the end of the calendar year, the bills presented to the board at its regular meetings shall be up to date, complete and classified according to appropriations and accounts. A running statement shall be prepared by the town manager each week to show the amount of appropriation and/or other funds available for each appropriation or account.

In the event the object of the appropriation shall have been accomplished as intended by the vote of the annual meeting, for an amount less than the appropriations, no further expenditures for that account shall be authorized by the board.

Sec. 12. Ratification. This charter shall become operative on and after the 1st Monday in February, 1936, when the first annual town meeting hereunder shall be held, but shall be null and void unless ratified by said town of Rumford by ballot of the voters of said town using the check list for balloting at the annual meeting in March, 1935, or at a special meeting properly called for the purpose of ratification by a suitable article in the warrant to be held on or before the 2nd Monday in September, 1935.

Sec. 13. Other town officers and provisions. Any other town officers and any other provisions for conducting the affairs of the town, not specifically provided for herein, shall be continued in the same manner as are now or may hereafter be provided for under the general statutes.

Sec. 14. Repealing clause. All acts or parts of acts inconsistent herewith insofar as they relate to the town of Rumford, in the county of Oxford, are hereby repealed.

Sec. 15. Amendments. This charter may be amended by vote of the town at any annual town meeting and such amendment shall become effective when a suitable resolve shall have been passed by the legislature, and ratified by the town at a special or next annual town meeting.

Sec. 16. Termination. This charter may be revoked and shall become inoperative in the following manner: At any regular town meeting with

a suitable article in the warrant a committee of 5 shall be appointed by the moderator to ascertain the reasons for revocation, study and report its findings at the next annual town meeting, when, if a suitable article is inserted in the call of said meeting, a vote by ballot, using the check list, shall be taken, the result of which shall determine if the charter shall become inoperative one year and one month from the date of the balloting.