

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 410

H. P. 1074

House of Representatives, February 5, 1935.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Hagan of Georgetown.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

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

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 Richmond, in the county of Sagadahoc, on the 1st 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 a member or members of the council as hereinafter provided, who shall be inhabitants of the town, a town clerk, and a member of the superintending school committee to serve for 3 years. The present members of the superintending school committee shall serve until the expiration of their present terms, and during the balance of their respective terms of office, together with the new member or members chosen in accordance with this act, shall constitute the superintending school committee of said town.

At the 1st meeting of the town held under the provisions of this act, 5 councillors shall be chosen, who shall be residents of the town of Richmond, the 5 candidates receiving the largest number of votes shall be

elected as councillors, the councillors so elected, shall at their 1st meeting choose by lot, 2 members of the council to serve for 1 year; 2 for 2 years, and 1 for 3 years, and thereafter at each of said annual meetings 2 councillors shall be chosen, 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 councillor, due to death, resignation or other cause, shall be filled at the next annual meeting for the unexpired term.

The council shall select annually a town treasurer and a tax collector; once in 3 years a health officer, subject to the approval of the director of health as now provided by general law; and when a vacancy exists shall select a town manager, with duties hereinafter provided, 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, subject to the approval of the majority of the council.

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 council elected as herein provided shall meet within 24 hours after its election and shall choose by ballot 1 of its members to be chairman for the ensuing year and until his successor is elected and qualified. If the chairman fail from sickness, disability or absence from the town or other cause to attend to and perform the duties incumbent on him as such chairman, the remaining members of the council may, by unanimous vote, after notice and hearing, terminate the term of office of the said chairman, and by majority vote elect some other member of the council as chairman, who shall serve for the balance of the year or until his successor is elected and qualified. The chairman shall preside at all meetings of the council and shall perform all other duties, consistent with this office as the council may provide. He shall be entitled to vote and his vote shall be counted on all matters as a vote of the other members of the council. The chairman shall be recognized as the official head of the town for ceremonial purposes, and shall have the powers given to and perform the duties required of the chairman of the board of selectmen for all purposes of military law. The town clerk shall act as secretary to the council, and shall record in the town records the choice of the council for chairman. The town clerk shall thereafter keep a record of all the doings of said council, 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 council; school committee. Said council elected as herein provided, shall serve instead of board of road commissioners, road commissioner or road commissioners as provided by the general statutes and shall have the same powers in relation to repairs of roads, bridges 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, constituted or 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 council shall meet once each month, the time and place to be designated by a majority vote of the council, and 3 members of said council shall constitute a quorum. Special meetings of the council may be called at any time by the chairman or by a majority of all the members of said council. 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 the performance of his duty 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 the 3rd regular meeting of said council, after said organization meeting, appoint a town manager, said office of town manager is hereby created, who shall not be a member of said council. 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 agent for them as overseers of the poor, to sign and send all necessary notices and answers, as now provided by statute, any such written notices or answers shall have the same effect as if signed and sent by the members of the council themselves. Such town manager shall, on and after his appointment as aforesaid, be the superintendent of roads of said town.

Sec. 8. Special power of the council. At any regular meeting, the council may vote to combine the offices of town manager, tax collector, and town treasurer. Said council may appoint a citizen of the town as auditor or shall choose a certified public accountant to audit the books and accounts of the town. Said council shall elect from its own membership 3 members

who shall constitute the board of assessors of the town of Richmond, and they shall appoint the town manager as chief clerk of the assessors who shall conduct the executive details of the management of the board of assessors, and may appoint competent assistant assessors as needed whose duty shall be to furnish the board with all information relative to persons and property taxable. The compensation for such assistant assessors shall be fixed by the board.

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, after due notice, before the council. Pending such hearing the council may suspend them from office.

Sec. 10. Qualifications of town manager. The town manager shall be chosen by the town council on the basis of his character and his executive and administrative ability. He may or may not be a resident of the town of Richmond or of Maine at the time of his appointment. He shall give bond to the town of Richmond for the faithful performance of his duties in such sum as the town council shall determine and direct and with surety or sureties to be approved by the council. The premium on his bond shall be paid by the town.

Sec. 11. Duties of town manager. The town manager shall be the administrative head of the town government, and shall be responsible to the council for the administration of all departments of the town, over which the council under this act, and the general statutes has 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 appoint all necessary town officers not herewith provided for, including clerical assistants.
- (c) To exercise control over all departments created herein, or that may hereafter be created, either by general law or ordinance.
- (d) Act as purchasing agent for all departments of the town, except the school department, and to submit to competitive bids any transaction involving more than \$100, if the council so orders.
- (e) To attend the meetings of the council, except when his removal is being considered, and recommend for adoption such measures as he may deem expedient.
- (f) To keep the council fully advised as to the business, financial condition, and future needs of the town.

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

Sec. 12. 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 shall bear the approval of the town manager when presented to the council for payment.

Sec. 13. 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 council and actual and necessary expenses incurred in the performance of his duties, to be paid by the town treasurer in monthly payments on the 1st day of every month.

Sec. 14. 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. 15. Compensation of officers. When not otherwise provided herein, the compensation and fees of officers of said town shall be fixed by vote of the council.

Sec. 16. 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, such orders to be presented to the treasurer of said town at the time of payment.

Sec. 17. Bonds of officials. Except as otherwise provided by this act, the council of said town shall require a bond with sufficient surety or sureties satisfactory to said council, from all persons entrusted with the collection, custody or disbursement of any of the moneys of said town; and may require such bond from such officials for the faithful performance of their duty, as it may deem advisable.

Sec. 18. Ratification. This act shall not become operative until it is ratified by the qualified voters of said town of Richmond, at a special meeting called for that purpose, by an appropriate article inserted in the call for said meeting, on the 2nd Monday in September 1935. Voting shall be by check list and this act when so ratified shall take effect on the 1st Monday in March 1936.

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.