

# MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

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Legislative Document

No. 411

H. P. 1075

House of Representatives, Feb. 5, 1935.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Higgins of Ellsworth by request.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-FIVE

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**AN ACT to Provide a Town Manager Form of Government for the Town  
of Bluehill, in the County of Hancock.**

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

**Sec. 1. Annual town meeting 1st Monday in March.** Annual town meetings shall be held in the town of Bluehill, in the county of Hancock, on the 1st Monday of March, in each year, and the voters shall then choose, by ballot, as now provided by law, a moderator and clerk.

**Sec. 2. Officers.** At such meetings as provided in section 1, the voters shall then choose, by ballot, 3 inhabitants of said town to be selectmen and assessors of taxes, a treasurer, auditor of accounts, 2 overseers of the poor, 1 of whom shall be 1 of the selectmen and the other elected at large, who together with the town manager as chairman shall constitute the board of overseers of the poor, and 3 members of the school board, 1 for a term of 1 year, 1 for a term of 2 years, and 1 for a term of 3 years and thereafter, at each of said annual town meetings, shall elect 1 member of the school board for a term of 3 years. All other necessary town officers, including a town manager, shall be appointed as herein provided.

**Sec. 3. Board of assessors.** The board of assessors of taxes, provided for in section 2, shall serve instead of the assessors of taxes provided for

by general statute, and shall have the same powers and be subject to the same duties.

**Sec. 4. Organization of selectmen.** The selectmen elected as herein provided shall meet within 24 hours after their election and shall choose by written ballot, 1 of their number to be chairman, and 1 of their number to be clerk or secretary. An affidavit of such choice, signed by all the selectmen, shall be recorded by the town clerk in the records of said town, and thereafter records shall be kept by the secretary of the doings of all future meetings of said selectmen. Said records shall be deemed public records and shall be open at all times to any citizen of said town.

**Sec. 5. Powers and duties of selectmen; meetings.** Said selectmen, 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 the construction and repairs of roads, bridges and sidewalks of said town as the board of road commissioners, road commissioner or road commissioners, and municipal officers have under general statutes, and be subject to the same duties in relation thereto. The selectmen shall meet regularly once each week during their term of office at such time as they may designate at their organization meeting, provided for in section 4, and a majority of said selectmen shall constitute a quorum for the transaction of business. Special meetings of said selectmen may be called by the chairman of said selectmen or by a majority of all the members of said selectmen. Notice of such special meetings shall be served upon, or left at the usual dwelling place of each selectman and the town manager.

**Sec. 6. Selectmen to appoint town manager; health officer.** Said selectmen shall, by ballot, by majority vote, not later than at the 3rd regular meeting of said selectmen, after said organization meeting, appoint a town manager, said office of town manager being hereby created, and a health officer, neither of whom shall be a member of the board of selectmen. The town manager at the time of his appointment need not be a citizen of the town of Bluehill or the state of Maine. The selectmen may, when a vacancy exists in the office of town manager, appoint said town manager for a term not exceeding 3 years. Said town manager shall, on and after his appointment as aforesaid, be the collector of taxes and the superintendent of roads of said town.

**Sec. 7. Powers and duties of board of overseers of the poor.** The board of overseers of the poor, elected as herein provided, shall have the same

powers in relation to the poor of said town as now provided by statute and shall be subject to the same duties in relation thereto. The board of 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 sections 31 and 32 of chapter 33 of the revised statutes and acts additional thereto and amendatory thereof, and such written notices and written answers shall have the same effect as if signed and sent by the overseers of the poor, themselves.

**Sec. 8. Powers and duties of school board.** The school board, 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.

**Sec. 9. Town manager to appoint other necessary town officers.** All other necessary town officers, now or hereafter provided by general statute or town ordinance, shall be appointed by the town manager. He shall hire all non-elective employees and agents of the town and fix their wages. All his appointments and actions under this section are subject to the confirmation or approval of the selectmen.

**Sec. 10. Tenure of office.** All appointed officers and boards shall hold office at the pleasure of the appointing power, except that of town manager and health officer. The town manager and health officer can only be removed upon the written charges and a public hearing before the selectmen, upon the question. Previous to the date of their removal, but pending such hearing, the selectmen may suspend them from office.

**Sec. 11. Qualifications of town manager; his powers and duties.** The town manager shall be chosen by the selectmen 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 engineer when possible, and he shall be the administrative head of the town government, and shall be responsible to the selectmen for the administration of all departments of the town over which the selectmen 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 make appointments and removals as provided herein.

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

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

(f) To collect the taxes.

(g) To attend the meetings of the board of selectmen, except when his removal is being considered, to attend the meetings of the school board in an advisory capacity, and at these meetings recommend for adoption such measures as he may deem expedient.

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

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

**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, officers and boards thereof, and shall see to the delivery of such supplies and materials to each department, officer and board, and shall take and file receipts therefor, and all accounts for the purchase of supplies and materials and work performed for said town shall bear the approval of the town manger when presented to the selectmen for payment.

**Sec. 13. Devote entire time to office; compensation.** The town manager shall devote his entire time to said office, and shall receive for his services a rate of compensation to be fixed by the selectmen, and actual and necessary expenses incurred in the performance of his duties if and when ordered by the selectmen to travel beyond the town limits. This compensation to be paid by the town treasurer monthly upon orders signed by the selectmen.

**Sec. 14. Town officers to be sworn.** All town officers elected or appointed shall be sworn by the town clerk to the faithful performance of their duties before entering upon the same.

**Sec. 15. Compensation of officers.** Unless otherwise provided herein, or by law, the compensation and fees of officers of said town shall be fixed by a vote of the town at its annual meetings.

**Sec. 16. Payments from treasury.** No money shall be paid out of the town treasury except by order issued and signed by a majority of the selectmen of said town or their representative authorized for the purpose and presented to the treasurer of said town at the time of payment.

**Sec. 17. Bonds required from officers.** The selectmen of said town shall require a bond with sufficient surety or sureties, satisfactory to said selectmen, 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 as they may deem advisable.

**Sec. 18. Inconsistent acts repealed.** All acts or parts of acts inconsistent herewith, in so far as they relate to the town of Bluehill in the county of Hancock are hereby repealed.

**Sec. 19. Act must be ratified at annual town meetings.** This act shall not become operative until it is ratified by said town of Bluehill, at an annual town meeting, or at a special meeting called by a warrant containing an article for the purpose, and when so ratified shall take effect on the 1st day of the following month.