

# MAINE STATE LEGISLATURE

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NEW DRAFT

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EIGHTY - SEVENTH LEGISLATURE

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Legislative Document

No. 815

H. P. 1778

House of Representatives, March 21, 1935.

Reported by Mr. Davis from Committee on Legal Affairs and laid on table to printed under joint rules.

HARVEY R. PEASE, Clerk.

NEW DRAFT OF H. P. 850—L. D. 294

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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 Council and Manager Form of Government  
for the Town of Oakland, in the County of Kennebec.**

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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 Oakland, in the county of Kennebec, on the 2nd 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 then choose by Australian 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 select annually 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 and welfare 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. Said health officer shall appoint plumbing inspectors for a term of 1 year subject to the approval of said commissioner as now provided by general law. 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 approval by a majority of the council. 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. No person shall hold 2 elective offices at the same time.

**Sec. 3. Councillor 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 1 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. Thereafter records shall be kept by the council of all the doings of said council, said records to be public records, and shall be open to the inspection of any citizen of said town, at the office of the council.

**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 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 present members of the superintending school committee whose terms of office have not expired shall continue to serve until the expiration of their present term of office. The third member shall be chosen in the manner provided for in section 2 for a term of 3 years and annually thereafter a member of the superintending school committee shall be elected annually by the voters for a term of 3 years. The superintending school committee, constituted or elected as herein provided, shall have the same powers in relation to 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 at such times as it may designate in its organization meeting provided for in section 4, and 3 members of said council shall constitute a quorum for the transaction of business. Special meetings of said council may be called by the chairman of said council 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 regular monthly and special 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 being 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 clerk or agent for them as said overseers of the poor, to sign and send the written notices and written answers referred to in sections 31 and 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 council as overseers of the poor 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 council.** At any regular meeting, the council 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 council upon the question. Previous to the date of their removal, but pending such hearing, the council may suspend them from office.

**Sec. 10. Powers and duties of town manager.** The town manager shall be chosen by the council solely on the basis of his executive and admin-

istrative 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 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 exercise control over all departments created herein or that may be hereafter created, either by general law or ordinance.
- (c) To 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.
- (d) 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.
- (e) To keep the council 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 council.

**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 the accounts of the school department, shall bear the approval of the town manager when presented to the council 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 council and the 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 to the faithful performance of the duties of their respective offices by the town clerk.

**Sec. 14. Compensation of officers.** When not otherwise provided here-

in, the compensation and fees of officers of said town shall be fixed by a vote of the council.

**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 time of payment.

**Sec. 16. Bonds of officials.** The council of said town shall require a bond with sufficient surety or sureties satisfactory to said council, 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 it may deem advisable.

**Sec. 17. Repealing clause.** All acts or parts of acts and by-laws inconsistent herewith insofar as they relate to the town of Oakland, in the county of Kennebec, are hereby repealed.

**Sec. 18. Ratification.** This act shall not become operative until it is ratified by said town of Oakland, 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, 1937. Voting shall be by check list of qualified voters, and this act when so ratified shall take effect on the second Monday in March next following said ratification.