

# MAINE STATE LEGISLATURE

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

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Legislative Document

No. 237

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H. P. 680

House of Representatives, February 3, 1937.

Referred to Committee on Legal Affairs. Sent up for concurrence and 1,000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Snow of Dover-Foxcroft.

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S T A T E O F M A I N E

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I N T H E Y E A R O F O U R L O R D N I N E T E E N H U N D R E D  
T H I R T Y - S E V E N

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**AN ACT to Provide a Town Manager Form of Government for the Town  
of Dover-Foxcroft.**

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

**Sec. 1. Town meeting, second Monday in March.** On and after passage of this act and its adoption by the town as hereinafter provided, annual town meetings shall be held in the town of Dover-Foxcroft in the county of Piscataquis 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.** (a) At such meetings the voters shall choose by ballot as hereinafter provided 7 inhabitants of said town to be selectmen who shall be ex-officio, assessors of taxes and overseers of the poor; a town clerk; a town treasurer; and a superintending school committee of 3. All other necessary town officers, including a town manager, shall be appointed by the selectmen, as herein provided.

(b) **Board of selectmen.** At the first annual town meeting held under this act and at each annual meeting thereafter only the necessary number of members of the board shall be elected as may be required to maintain the full number of 7; those elected to fill interim vacancies to serve only

for the unexpired term of their predecessors, others for a term of 3 years. As the members of the board of selectmen are now elected each for a 3-year term, those whose terms have not expired when this act shall take effect, shall continue to serve until their terms expire and only the vacancies or expired terms shall be filled at the first election hereunder.

(c) **Superintending school committee.** At the 1st annual meeting held under this act and at each annual meeting thereafter only the necessary number of members of the committee shall be elected as may be required to maintain the full number of 3, those elected to fill interim vacancies to serve only for the unexpired term of their predecessors, others 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 terms have not expired when this act shall take effect, shall continue to serve until their terms expire and only the vacancies or expired terms shall be filled at the 1st election hereunder.

(d) **Tax collector.** The tax collector shall be appointed by the board of selectmen and at any regular meeting of the board the offices of tax collector and town manager may be combined.

(e) **Town treasurer, clerk, and auditor.** The town treasurer, clerk, and auditor shall each be elected for a term of 1 year.

(f) **Other town officers.** Other town officers and committees not hereinbefore provided for, including trustees of Mayo Memorial Hospital, shall be appointed by the board of selectmen.

**Sec. 3. Organization of selectmen.** The selectmen elected as herein provided shall meet within 7 days after their election and shall choose by written ballot 1 of their number to be chairman, and shall appoint a secretary; a certificate of such choice of chairman with the appointment of the secretary, signed by all the selectmen, shall be recorded by the town clerk in the records of said town, and thereafter records shall be kept of the doing of all 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. 4. Selectmen; powers; school board; powers.** Said selectmen, elected as herein provided, shall serve instead of the overseers of the poor, road commissioner or road commissioners as provided for by general statute and shall have the same powers in relation to the poor of said town and repairs of bridges, roads and sidewalks of said town, that the overseers or overseer of the poor, road commissioner or commissioners, and municipal officers have under general statute, and be subject to the same duties in relation thereto. 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. 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 3, 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 said special meeting shall be served upon or left at the usual dwelling place of each selectman and the town manager.

**Sec. 5. Town manager; health officer; selectmen may authorize town manager.** Said selectmen shall, by ballot by a majority vote not later than at the third regular meeting of said selectmen, after said organization meeting, appoint a town manager, 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 but shall be a citizen of the United States. Said selectmen shall also appoint a health officer, subject to the approval of the state commissioner of health and welfare, who shall serve for 3 years after appointment as now provided by law. Neither said town manager nor said health officer shall be a member of said board of selectmen. The selectmen may when a vacancy exists in the office of town manager or health officer fill said vacancy by appointment for a term not exceeding 3 years. Said selectmen 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 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 selectmen, or overseers of the poor, themselves. Said town manager shall, on and after his appointment as aforesaid, be superintendent of roads, streets, and buildings and shall perform any other duty said selectmen may specify.

**Sec. 6. Basis of qualifications in choice of town manager; his duties.** The town manager shall be chosen by the selectmen solely on the basis of his executive and administrative qualifications and his technical knowledge of municipal engineering, 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 fix the compensation of his employees, and designate the time of payment subject to confirmation by said selectmen.
- (d) To act as purchasing agent for all departments of the town, except the school department.
- (e) To attend the meetings of the board of selectmen, except when his removal is being considered, and recommend for adoption such measures as he may deem expedient.
- (f) To keep the selectmen 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 selectmen.

**Sec. 7. Purchasing agent, except for schools.** 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 all accounts for the purchase of supplies and materials and work performed for said town, with the exception of accounts for the purchase of supplies and materials and work for the school department, shall bear the approval of the town manager when presented to the selectmen for payment. Provided, however, that no item, the purchase price of which exceeds \$100, shall be purchased by said town manager without the previous approval of the selectmen.

**Sec. 8. Devote entire time.** The town manager shall devote his entire time to his 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, to be paid by the town treasurer in monthly payments on the 1st day of every month.

**Sec. 9. Officers sworn.** All town officers elected or appointed shall be sworn to the faithful performance of the duties of their respective offices.

**Sec. 10. Compensation; how fixed.** When not 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. 11. Orders issued and signed by selectmen.** No money shall be paid out of the town treasury except by warrant issued and signed by a majority of the selectmen and presented to the treasurer of said town at the time of payment.

**Sec. 12. Bonds required of those entrusted with money.** The selectmen of said town shall require a bond with sufficient surety or sureties, satisfactory to said selectmen, from all persons trusted with the collection, custody or disbursement of any of the moneys of the town.

**Sec. 13. Other town officers and provisions.** Any other town officers and any other requirements 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, and all by-laws and ordinances which shall be in effect at the time this act shall be ratified shall not be affected by the provisions hereof unless inconsistent herewith.

**Sec. 14. Inconsistent acts repealed.** All acts or parts of acts inconsistent herewith in so far as they relate to the town of Dover-Foxcroft in the county of Piscataquis are hereby repealed.

**Sec. 15. Ratification of act necessary.** This act shall not become operative until it is ratified by said town of Dover-Foxcroft, at an annual town meeting called by a warrant containing an article for the purpose, and when so ratified shall take effect from date of ratification. Voting shall be by check list.