

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

Legislative Document

No. 239

H. P. 683

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. Tabbut of Columbia Falls.

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

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT to Authorize Towns to Establish the Office of Town Manager.

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

Sec. 1. Scope of act. As used in this act, the word "town" shall be construed not to include cities.

Sec. 2. Appointment. The selectmen of towns adopting the provisions of this act, as herein provided, shall forthwith thereafter appoint a town manager, for a term of not less than 1 nor more than 3 years, who may or may not, when appointed, be a resident of the town, but who shall not be a member of said board of selectmen. The selectmen of 2 or more towns that have adopted the provisions of this act may employ the same manager, as hereinafter provided.

Sec. 3. Qualifications; authority of selectmen. The town manager shall be selected with special reference to his education, training and experience to perform the duties of his office, and without reference to political, or religious, belief; and shall in all matters be subject to the direction and supervision of the selectmen, who may remove him at any time for cause after written charges have been made, a public notice given and a public hearing held.

Sec. 4. Oath; bond. Before entering upon the duties of his office, the town manager shall be sworn to the faithful and impartial performance thereof, by the town clerk, or a certificate to that effect shall be filed with the town clerk, who shall make a record thereof; and he shall execute a bond underwritten by a surety company authorized to do business in this state to the inhabitants of the town for the faithful performance of his duties in such sum as may be approved by the selectmen.

Sec. 5. General authority. The town manager shall be the administrative head of all departments of the town and be responsible for the efficient administration thereof, except as otherwise provided in this act. He shall have general supervision of the property and business affairs of the town and of the expenditure of moneys appropriated by it for town purposes, but his authority shall not extend to warning town meetings, making by-laws, borrowing money, assessing taxes, granting licenses, laying out highways, assessing damages or other functions of a judicial character vested by law in the selectmen or other town officers, nor to the duties or supervision of the offices of town clerk, town treasurer, superintending school committee, and fenceviewers.

Sec. 6. Powers and duties in particular. The town manager shall have the power and it shall be his duty:

I. To organize, continue or discontinue, from time to time, such departments as the selectmen may from time to time determine.

II. To appoint upon merit and fitness alone, and to remove, all subordinate officers and employees under his control, and to fix their compensations.

III. To attend such regular or special meetings of the selectmen as they shall require.

IV. To keep full and complete records of the doings of his office, and to render to the selectmen an itemized monthly report in writing, showing in detail the receipts and disbursements for the preceding month; and annually, or oftener at the request of the selectmen, to make a synopsis of all reports for publication; but said manager when employed by more than 1 town shall keep the accounts of each town separately and make separate reports to each town.

V. To keep the selectmen fully advised as to the needs of the town, or towns, within the scope of his duties, and to furnish them on or before the 31st day of January of each year a careful, detailed estimate in writing of the probable expenditures of the government of the town or towns for the ensuing fiscal year, stating the amount required to meet the interest on maturing bonds and notes or other outstanding indebtedness of the

town, and showing specifically the amount necessary to be provided for each fund and department; and to submit at the same time an estimate in writing of the amount of income from all sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town. For the purpose of enabling the town manager to make up the annual estimate of expenditures, all boards, officers, and committees of the town shall, upon his written request, furnish all information in their possession and submit to him in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments during the fiscal year.

VI. To examine or cause to be examined, with or without notice, the affairs of any department under his control, or the conduct of any officer or employec thereof; and for that purpose he shall have access to all town books and papers, for the information necessary for the proper performance of his duties.

VII. To have charge, control and supervision, subject to the direction of the selectmen and the by-laws of the town, if any, of the following matters:

(a) The management of municipal water works, lighting and power systems.

(b) The construction, maintenance and repairing of all town buildings and of all town roads, highways, sidewalks and bridges, except as otherwise specially voted by the town.

(c) The purchase of all supplies for the town, excepting supplies for schools.

(d) The police and fire departments of the town, if any.

(e) The system of sewers and drainage, if any.

(f) The lighting of streets, highways and bridges.

(g) The sprinkling of streets and highways, the laying of dust and the removal of snow.

(h) The maintenance of parks, commons and playgrounds.

(i) The care of cemeteries.

(j) The letting, making and performance of all contracts for work done for the town.

In municipalities adopting the provisions of this act, the town manager shall supersede any board of commissioners or other supervisory officer or officers previously established, elected or appointed to have superintendence of any of the matters specified in the foregoing paragraphs (a) to (j) inclusive; except that he shall not supersede, nor shall the adoption of this act in any way impair, the authority and duties of, the state highway

commission and its assistants, nor any police commission created by act of the legislature.

VIII. To administer the poor relief of the town, either directly or through a person or persons appointed by him, under the supervision of the selectmen.

IX. To act as and perform the duties of local health officer.

X. To perform such other duties, consistent with his office, as may be required of him by vote of the selectmen.

XI. To employ a clerk when so authorized by the selectmen and fix his compensation.

XII. To be and act as tax collector unless otherwise voted by the town at its annual meeting upon a proper article in the warrant therefor.

Sec. 7. Approval of vouchers. The town manager may approve vouchers for obligations incurred by any department of which he has supervision, and, except during his absence or disability, the selectmen shall not draw orders for the payment of any such obligations without such approval. The selectmen may themselves approve such vouchers, or authorize their approval by some other person, in the event of the absence or disability of the town manager.

Sec. 8. Vacancy. Any vacancy in the office of town manager shall be filled as soon as practicable by the selectmen; and pending the appointment of a permanent manager, the selectmen may appoint a person to perform temporarily the duties of that office.

Sec. 9. Compensation; how fixed. The town manager shall receive such compensation as may be fixed by the selectmen, unless otherwise specifically voted by the town.

Sec. 10. Adoption of act. The provisions of this act shall not become operative in any town unless and until the same are adopted by a majority of the legal voters of the town present and voting at an annual meeting as hereinafter provided.

Sec. 11. Warning. The selectmen, upon the written application of 10 or more voters, shall insert a proper article in their warning for such meeting, which article shall refer to this chapter.

Sec. 12. Revocation. A town that has adopted the provisions of this act may rescind such adoption by a majority vote of the legal voters present and voting at a subsequent annual meeting, provided a proper article therefor is inserted in the warrant calling such meeting; but no acts done or obligations incurred by the town manager prior to such rescis-

sion shall be affected thereby and it is further provided that in any case where the town has become a member of a union of towns such rescission shall become effective only at the end of the term for which the manager was employed.

Sec. 13. Officers. Towns adopting this act shall elect, or appoint, as provided for in the general laws, all and such officers as are therein provided for towns, excepting officers whose duties are herein provided as duties of town manager. The offices of such town officers as are provided for in the duties of town manager in this act are hereby abolished in such towns, until the provisions of this act are rescinded.

Sec. 14. Two or more towns may unite in the employment of a town manager. The selectmen of 2 or more towns that have adopted the provisions of this act may unite in the employment of the same town manager, provided they have been so authorized by a vote of their towns at the regular town meeting, or special town meetings called for that purpose.

Sec. 15. Joint committee; meetings; election of officers. The selectmen of the towns comprising a union shall form a joint committee, and for the purposes of this act said joint committee shall be held to be the agents of each town comprising the union. Said joint committee shall meet annually at a day and place agreed upon by the chairman of the selectmen of the several towns comprising the union, and shall organize by the choice of a chairman and a secretary. The joint committee shall fix the salary of the manager, apportion the amounts thereof to be paid by the several towns, which amount shall be certified to the treasurers of said towns respectively, by the secretary of the joint committee; provided that the amounts so certified shall be in proportion to the amount of service performed in the several towns. Said joint committee, at the time of its organization, or as soon thereafter as possible, and whenever a vacancy shall occur, shall choose by ballot a manager for a term of not more than 3 years. In case the joint committee shall fail to legally elect a manager, and in case of the absence or disability of the manager, and in case of a vacancy in the office of manager, the joint committee may appoint a person to perform temporarily the duties of that office. Provided, however, that said committee, by a majority vote of its full membership, after due notice, investigation and a public hearing, may for cause, discharge a manager of the union of towns before the expiration of the term for which he was elected, and after such discharge the salary of said manager shall cease.

Sec. 16. Clerk. The joint committee may authorize the manager to employ a clerk, fix his salary and apportion the amount to be paid by

each town according to the apportionment of the salary of the manager, which amount shall be certified to the treasurers of the respective towns by the secretary.

Sec. 17. Office expenses. Each town comprising the union shall pay its proportional part of the general office expense in proportion to the amount paid toward the manager's salary, but any expense actually incurred for the benefit of any particular town shall be paid by that town.

Sec. 18. Each town shall appropriate its proportion for salary of manager and clerk. The towns uniting for the purpose of employing a manager shall appropriate for his salary, and for the salary of the clerk, if any, their proportion of the sums paid said manager and clerk.

Sec. 19. Records, accounts and reports. The manager of a union of towns shall keep the records and accounts of each town separate and apart from the records and accounts of the other towns comprising the union and shall make separate reports thereof to the selectmen of the respective towns, as hereinbefore provided in this act.

Sec. 20. Powers, duties and regulation thereof. The powers and duties in each town of a manager of a union of towns shall be as hereinbefore provided in this act and shall be regulated as hereinbefore provided.

Sec. 21. Oath; bond. The oath of the manager shall be recorded by the clerk of each town and the said manager shall execute a bond for each town as provided in section 4 of this act.

Sec. 22. Accounts; audit. All towns adopting the provisions of this act shall install a system of accounting approved by the state auditor, and each town shall cause an audit of its accounts to be made at least once in 3 years by the state department of audit or under its supervision.

Sec. 23. Repealing clause. All acts and parts of acts and by-laws inconsistent herewith in so far as they relate to towns that have adopted the provisions of this act as herein provided, are hereby repealed.

Sec. 24. Constitutionality clause. If any section, subsection, sentence, clause, or phrase of this act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.