

MAINE STATE LEGISLATURE

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

Legislative Document

No. 484

H. P. 1165

House of Representatives, February 7, 1939.

Referred to Committee on Legal Affairs and sent up for concurrence.
750 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Weatherbee of Lincoln.

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

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

**AN ACT to Provide a Town Manager Form of Government for the Town
of Lincoln.**

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 Lincoln, in Penobscot county, on the 3rd 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 annual town meetings, the voters shall elect by ballot as hereinafter provided, 5 inhabitants of said town to be known as councillors, and a member or members of the superintending school committee, in accordance with the revised statutes of the state of Maine and amendments thereto, a town clerk, a town treasurer, and an auditor of accounts.

At the first town meeting held under this act, said councillors shall be elected as follows: 2 for a term of 1 year, 2 for a term of 2 years, 1 for a term of 3 years, and thereafter at each of said annual town 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.

The council when duly elected and qualified shall annually appoint 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 the revised statutes of the state of Maine and amendments thereto and a town manager with duties hereinafter defined. 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 with approval of a majority of the councillors.

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 the revised statutes of the state of Maine and amendments thereto and shall have the same powers and 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 one of their number to be chairman, and shall appoint a secretary; an affidavit of such choice of chairman and appointment of secretary, signed by a majority of the councillors, shall be recorded by the town clerk in the records of said town and thereafter records shall be kept of all the doings of said councillors. Said records shall be public records and shall be open at all times to the inspection of any citizen of the town.

Sec. 5. Duties of councillors; school committee. Said councillors elected as herein provided, shall serve instead of a road commissioner or commissioners as provided for by the revised statutes of the state of Maine and amendments thereto and shall have the same powers in relation to repairs of bridges, roads and sidewalks of the town, as road commissioner or commissioners and municipal officers have under general statutes, and be subject to the same duties in relation thereto. The councillors shall meet once each month at such times as they may designate in their organization meeting provided for in section 4 and 3 members of said councillors shall constitute a quorum for the transaction of business.

Special meetings may be called by the chairman of said councillors or by a majority of all of the members of said councillors. Notice of such special meeting shall be mailed, served upon or left at the usual dwelling place of each councillor and the town manager, at least 24 hours before such meeting.

The superintending school committee, 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. 6. Compensation. Each councillor shall receive \$2 per meeting of said councillors, but not to exceed \$60 per year for said meetings. Councillors shall be reimbursed for his actual and necessary expenses incurred in the performance of his duties.

Sec. 7. Town manager. Said councillors shall by ballot by a majority vote, appoint a tax collector, a health officer and a town manager, said office of town manager being hereby created, who shall not be a member of said board of councillors. 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 the 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 councillors, 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 councillors. At any regular meeting, the councillors 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 as otherwise provided and except the health officer, who can be removed only according to the provisions set forth in the revised statutes of the state of Maine and amendments thereto, and except the board of assessors as is herein otherwise provided.

Sec. 10. Powers and duties of town manager. The town manager shall be chosen by the councillors solely on the basis of his executive and administrative qualifications and his technical knowledge for road construction, and he shall be the administrative head of the town government, and shall be responsible to the councillors for the administration of all departments of the town over which the councillors under this act, and the revised statutes of the state of Maine and amendments thereto 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, except the school department, either by general law or ordinance.

(c) To act as purchasing agent for all departments of the town, except the school department, and said purchasing agent must submit to competitive bids any transaction involving more than \$100 unless the council orders otherwise.

(d) To attend the meetings of the councillors, except when his removal is being considered, and recommend for adoption such measures as he may deem expedient.

(e) To keep the councillors 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 councillors.

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, except the school department, and shall see to the delivery of such supplies and materials to each department, and shall take and file receipts therefor. All accounts for the purchase of supplies and materials and work performed for said town with the exception of the weekly payroll of the town employees and the accounts of the school department, shall bear the approval of the town manager when presented to the councillors 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 councillors, 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. 13. Officers to be sworn. All town officers elected or appointed before entering upon the performance of their official duties shall be sworn by the town clerk to the faithful performance of the duties of their respective offices.

Sec. 14. Compensation of officers. When not otherwise provided by law or this act, the compensation of officers of said town except the superintendent of schools shall be fixed by a vote of the councillors.

Sec. 15. Payments from treasurer limited. No money shall be paid out of the town treasurer except by order issued and signed by the coun-

cillors or their representative authorized for the purpose and presented to the treasurer of said town at the time of payment.

Sec. 16. Bonds of officials. The councillors of said town shall require a bond with sufficient surety or sureties, satisfactory to said councillors from all persons trusted with the collection, custody or disbursements of any of the moneys of said town; and may require such bond from such other officials as they may deem advisable. Said premiums on bonds may be paid by the town.

Sec. 17. Nomination of councillors. Nomination of candidates for the office of councillor and all other elective offices in the town of Lincoln, shall be made by nomination papers signed in the aggregate for each candidate by not less than 50 qualified voters of the town of Lincoln.

Nomination papers for the nomination of candidates for any of the elective offices in the town of Lincoln shall be filed with the town clerk at least 10 days prior to the annual meeting.

The election of all elective officers provided for in this act shall be by Australian ballot.

Sec. 18. Repealing clause. If any part of this act shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the act. The provisions of this act shall supersede all laws and ordinances not consistent herewith, in so far as the town of Lincoln in the county of Penobscot is affected thereby.

Sec. 19. Ratification. This act shall not become operative until it is ratified by said town of Lincoln, 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, 1942. This act when so ratified shall take effect on the 3rd Monday in March next following said ratification.

Sec. 20. 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, voting at any regular annual town meeting, if an appropriate article is inserted in the call for said meeting.