

MAINE STATE LEGISLATURE

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

Legislative Document

No. 281

H. P. 645

House of Representatives, January 29, 1941.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. McLeod of Bar Harbor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT to Provide Better Government for the Town of Bar Harbor.

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 Bar Harbor, 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 to preside at said meeting.

Sec. 2. Officers. At the 1st meeting under the provisions of this act, the voters shall choose, by ballot as provided by statute, 5 inhabitants of said town to serve as members of the board of selectmen for the following terms, 2 for a term of 3 years, 2 for a term of 2 years, and 1 for a term of 1 year, and thereafter at each of said annual meetings shall elect as many selectmen, each for a term of 3 years, as may be necessary so that the board of selectmen, as elected, shall consist of 5 members. At said meeting the said voters shall also choose by ballot as now provided by law, 3 inhabitants of said town to serve as members of the board of assessors of taxes, 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 meetings shall elect 1 assessor of taxes for a term of 3 years.

At the annual meetings as provided in section 1, the voters shall choose by ballot as provided by law a town clerk, a treasurer and collector of taxes. All other necessary town officers, including a town manager, shall be chosen as herein provided.

Sec. 3. Board of assessors of taxes. 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 board of selectmen. The selectmen, as herein provided, shall meet within 24 hours after their election and shall choose, by written ballot, one of their number to be chairman, and one of their number to be clerk or secretary. A record of said meeting, as above set forth, signed by all of said selectmen, and acknowledged as true, before a notary public or justice of the peace, shall be recorded by the town clerk in the records of said town, and thereafter records shall be kept of the doings of all future meetings of said selectmen. Said records shall be public records and shall be open, at all times, for inspection by the public.

Sec. 5. Chairman of superintending school committee. The chairman of the board of selectmen shall be chairman of the superintending school committee.

Sec. 6. Powers and duties of selectmen; meetings. Said selectmen, elected as herein provided, shall serve instead of the superintending school committee, overseer or overseers of the poor, board of road commissioners, 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 the construction and repair of roads, bridges and sidewalks of said town, as the overseer or overseers of the poor and board of road commissioners, road commissioner or commissioners, and superintending school committee, and municipal officers have under general statutes, and be subject to the same duties in relation thereto. Said 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 place of abode of each selectman and the town manager.

Sec. 7. Compensation. Each selectman shall receive the sum of \$200

in full for his services. Said compensation, as above provided, together with actual and necessary expenses incurred in the performance of his duties, shall be paid to each selectman monthly by the town treasurer on the 1st of every month during his term of office.

Sec. 8. Shall appoint town manager; health officer; superintendent of schools. 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, a superintendent of schools, and a health officer, none of whom shall be a member of the board of selectmen. The town manager and superintendent of schools, at the time of their appointment, need not be citizens of the town of Bar Harbor 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 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 written notices and written answers referred to in sections 31 and 32 of chapters 33 of the revised statutes of 1930, and acts additional thereto and amendatory thereof, and such written notices and written answers shall have the same effect as if signed by the members of the selectmen themselves, as overseers of the poor, themselves.

Sec. 9. Town manager to appoint other necessary officers. All other necessary town officers, now or hereafter provided by general statute or town ordinance, shall be appointed by the town manager, subject to confirmation by 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 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. The superintendent of schools can not be removed except as provided by general statute pertaining to the removal of superintendent by school committee.

Sec. 11. Qualifications of town manager; duties. The town manager shall be chosen by the selectmen on the basis of his executive and administrative qualifications, and he shall be the administrative head of the town government, and shall be responsible to the selectmen for the administra-

tion 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 confirmation by said selectmen.
- (e) To act as purchasing agent for all departments of the town.
- (f) 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.
- (g) To keep the selectmen fully advised as to the business, financial condition and future needs of the town.
- (h) To perform such other duties as may be prescribed by the selectmen.

Sec. 12. 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, officers and board, and shall take and file receipts thereof, and all accounts for the purchase of supplies and materials and work performed for said town shall bear the approval of the town manager when presented to the selectmen for payment.

Sec. 13. Compensation of town manager. The town manager shall devote his entire time to his said office, and shall receive for his services a sum not to exceed \$4,000 per year, 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. 14. Sworn by clerk. All town officers elected or appointed shall be sworn by the town clerk to the faithful performance of the duties of his respective office.

Sec. 15. Compensation of other officers. When not otherwise provided herein, or by law, the compensation and fees of officers of said town shall be fixed by vote of the town at its annual meetings.

Sec. 16. Orders signed by selectmen. 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 and presented to the treasurer of said town at the time of payment.

Sec. 17. Officer or employee of town not to be interested in any contract. No officer or employee of the town of Bar Harbor, elected or appointed, shall be interested, directly or indirectly in any contract entered into by or on behalf of said town for work, material or equipment, or the purchase thereof, to be furnished to, or performed for said town, and all contracts made in violation thereof are void and the town treasurer is expressly forbidden to pay any money out of the town treasury on account of such contract.

Sec. 18. Bonds required of persons entrusted with moneys. 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. 19. Inconsistent acts repealed. All acts and parts of acts inconsistent herewith, insofar as they relate to the town of Bar Harbor in the county of Hancock are hereby repealed.

Sec. 20. Referendum. This act shall take effect 90 days after the adjournment of the legislature only for the purpose of permitting its acceptance or rejection by a majority of the legal voters of the town of Bar Harbor present and voting at a special town meeting legally called and held at least 30 days before the 1st Monday in March, 1942, an appropriate article being included in the call for such meeting. The vote shall be by written "Yes" and "No" ballot and the issue shall be considered separately and there shall be no limit on debate, the provisions of section 46 of chapter 6 of the revised statutes of 1930, notwithstanding. If the majority of the qualified voters of the town, present and voting, vote for acceptance of this act, it shall become operative and fully effective. The town clerk shall file with the secretary of state a certificate of the action of the town thereon.