

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. 363

H. P. 1216

House of Representatives, February 4, 1941.

Referred to Committee on Towns and 750 copies ordered printed. Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Preble of Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

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

Emergency preamble. Whereas, the town of Millinocket, in the county of Penobscot, has certain expenses of liabilities which must be met as they become due and whereas it is immediately necessary that provisions be made for raising revenue and for the general government of said town, and

Whereas, the aforesaid are immediately necessary for the preservation of the public peace, health and safety and in the judgment of this legislature, these facts constitute an emergency, as contemplated by the constitution within the meaning of section 16 of Article XXXI of the constitution of Maine; now, therefore,

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 Millinocket, in the county of Penobscot, on the 3rd Monday of March in each year. Special town meetings may be called as provided in the revised statutes of 1930 and amendments thereto, or by a majority of the town councillors, whose election is provided for hereinafter. Calls for all town meetings shall be as provided in said statutes.

Sec. 2. Election of officers. At such annual town meeting, the voters shall elect by ballot as now provided by law a moderator to preside at such meeting. They shall also elect by ballot as hereinafter provided 5 persons who are qualified to vote in said town to be known as councillors, and a member or members of the superintending school committee, in accordance with the revised statutes of 1930 and amendments thereto, a town clerk, a town treasurer, a collector of taxes, 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, and 1 for a term of 3 years, and thereafter at each said annual town meeting 2 councillors shall be elected as herein provided, each for a term of 3 years; provided, however, that in each third year 1 councillor shall be elected; and provided further, that vacancies in the office of town councillor due to any cause shall be filled at the next annual town meeting for the unexpired term.

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 be subject to the same duties.

Sec. 4. Assistant assessors. In addition to the councillors who serve as assessors of taxes, the council may appoint not more than 5 inhabitants of the town of Millinocket to act as assistant assessors. The employment of such assistant assessors shall not extend beyond the period of the municipal year during which they are appointed. Compensation of said assistant assessors shall be fixed by said council.

Sec. 5. 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 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 reasonable and proper times to the inspection of any citizen of said town.

Sec. 6. Duties of councillors. Said councillors elected as herein provided shall serve instead of a board of road commissioners, road commissioner, or road commissioners as provided for by law 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 road commis-

sioners and municipal officers have under general statutes, and be subject to the same duties in relation thereto. Said councillors shall by ballot, by a majority vote, appoint a town manager, said office of town manager being hereby created, who shall not be a member of said board of councillors, and for a term of three years a health officer, subject to the approval of the state commissioner of health and welfare, as now provided by the revised statutes and amendments thereto, and said health officer shall appoint a plumbing inspector or inspectors in accordance with the provisions of section 171 of chapter 1 of the public laws of 1933, and said council shall also appoint 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 councillors. The councillors shall meet twice 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 of said councillors may be called by the chairman of said councillors, or by a majority of all the members of said councillors. 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. 7. School committee. 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. 8. Compensation of town councillors. Each councillor shall receive the sum of one dollar a year and shall be reimbursed for his actual and necessary expenses incurred in the performance of his duties as town councillor.

Sec. 9. Town manager. 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 section 31 and section 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. Said councillors may, by majority vote, at the time of his appointment, or at any time thereafter, invest the town manager with concurrent authority

and responsibility with themselves in the performance of any and all the duties required of overseers of the poor, by the provisions of chapter 33 of the revised statutes of 1930, and acts additional thereto and amendatory thereof.

Sec. 10. Appointment and qualification of the town manager. The town manager shall be chosen by the town council solely on the basis of his executive and administrative qualifications, and his technical knowledge of road construction, preference being given when possible to a qualified engineer who shall not be a resident of the town of Millinocket at the time of his appointment. If so required by the town council he shall give bond for the faithful discharge of his duties to the town of Millinocket in such sum as the town council shall determine and direct, and with surety or sureties to be approved by the town council. The premium on his bond shall be paid by the town.

Sec. 11. Combining officers. At any regular town meeting the voters may vote to combine the offices of town manager and tax collector.

Sec. 12. 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. 13. Powers and duties of town manager. The town manager 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 for the school department, unless said school department by requisition requests the purchasing agent to act for it, and said purchasing agent must submit to competitive bids any transaction involving more than \$100 unless the council orders otherwise.

(d) To act as superintendent of roads of said town.

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

(f) To keep the councillors 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 councillors.

Sec. 14. 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 weekly payroll of town employees and the accounts of school department, shall bear the approval of the town manager when presented to the councillors for payment.

Sec. 15. Salary. The town manager shall devote his entire time to 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. 16. 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. 17. 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. 18. 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 the time of payment.

Sec. 19. 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 disbursement of any of the moneys of the 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. 20. Nomination of councillors. Nomination of candidates for the office of councillor and all other elective offices in the town of Millinocket, shall be made by nomination papers signed in the aggregate for each candidate by not less than 50 qualified voters of the town of Millinocket.

All nomination papers besides containing the name and address of the candidate must specify to each: 1st, the office for which he is to be nominated; 2nd, the term for which he seeks nomination. Nomination papers for the nomination of candidates for any of the elective offices in the town of Millinocket shall be filed with the town clerk at least 10 days prior to the annual town meeting.

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

Sec. 21. Repealing clause. All acts or parts of acts inconsistent herewith in so far as they relate to the town of Millinocket in the county of Penobscot, are hereby repealed.

Sec. 22. Effective date; ratification. This act shall take effect when approved only for the purpose of its submission to the voters of the town of Millinocket for the purpose of its acceptance or rejection at a special town meeting to be held prior to the 3rd Monday in March 1941, called for that purpose by an appropriate article inserted in the call for said meeting. The vote shall be by Australian ballot.

If a majority of the qualified voters of the town of Millinocket voting at said meeting vote in favor of the acceptance of this act, it shall become operative and fully effective on the 3rd Monday in March, 1941. A certificate of such vote shall be filed with the secretary of state by the town clerk.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.