

MAINE STATE LEGISLATURE

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

Legislative Document

No. 60

H. P. 100

House of Representatives, January 21, 1943.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Dorsey of Fort Fairfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

AN ACT to Amend the Charter of the Town of Fort Fairfield

Emergency preamble. Whereas, the town of Fort Fairfield, in the county of Aroostook, has certain expenses and 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 the 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 meeting. 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 Fort Fairfield, in the county of Aroostook, 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 meeting, the voters

shall elect by ballot, as hereinafter provided, 3 persons who are qualified to vote in said town to be known as councillors, a member or members of the library trustees for a term of 5 years, a member or members of the superintending school committee, in accordance with the revised statutes of 1930 and amendments thereto, and a town clerk.

At the first town meeting held under this act, said councillors shall be elected as follows: one for a term of 1 year, one for a term of 2 years, and one for a term of 3 years, and thereafter one annually, each for the term of 3 years, and will provide further that vacancies in the office of town councillor, due to death, resignation, or other causes, shall be filled for the unexpired term at the next annual town meeting or at a special meeting called for that purpose.

Sec. 3. Nomination of councillors. Nomination of candidates for the office of councillors and all other elective offices in the town of Fort Fairfield shall be made by nomination papers signed in the aggregate for each candidate by not less than 50 qualified voters of the town of Fort Fairfield.

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 elective office in the town of Fort Fairfield 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. 4. Councillors serve ex officio as certain officers. The councillors provided 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. 5. Organization of councillors. The councillors elected as herein provided shall meet within 7 days after their election and shall choose by written ballot one 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 of the councillors, 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 councillors. Said records shall be deemed public records and shall be open at all times to any citizen of said town.

Sec. 6. Councillors; powers; school board; powers. Said councillors, elected as herein provided, shall serve instead of the assessors, overseers of the poor, road commissioner or road commissioners as provided for by general statutes and shall have the same powers in relation to the assessment of taxes of said town, the poor of said town and repairs of bridges, roads and sidewalks of said town, that the assessors, overseers of overseer of the poor, road commissioner or commissioners, and municipal officers have under general statutes, 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 council 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 5; and a majority 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 council. Notice of said special meeting shall be served upon or left at the usual dwelling place of each councillor and the town manager.

Sec. 7. Town manager; treasurer; tax collector; health officer; councillors may authorize town manager. Said councillors shall, by ballot by a majority vote, not later than the 3rd regular meeting of said councillors, after said organization meeting, appoint a town manager for a term not exceeding 3 years, who shall perform the duties provided by this act. Said councillors shall also appoint a treasurer and a tax collector for the ensuing year, and a health officer who shall serve for 3 years after appointment. Said treasurer, tax collector, town manager and health officer shall not be a member of said council. The councillors may, when a vacancy exists in the office of treasurer, tax collector, town manager, and health officer, fill said vacancy by appointment and not for a term exceeding 3 years in the office of town manager or health officer. 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 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 councillors, or overseers of the poor, themselves. Said town manager shall, on and after his appointment as aforesaid, be superintendent of roads and streets and shall perform any other duty said councillors may specify.

Sec. 8. Appointed officers. All other necessary town officers, now or hereafter provided by general statute or town ordinance, shall be appointed by the councillors.

Sec. 9. Tenure of office. All appointed officers and boards shall hold office at the pleasure of the appointing power, except those of town manager and health officer, who can only be removed upon written charges and a public hearing before the council, previous to his removal, but pending such hearing the councillors may suspend him from office.

Sec. 10. Basis of qualifications in choice of town manager; his duties. The town manager shall be chosen by the councillors solely on the basis of his executive and administrative qualifications and his technical knowledge of municipal engineering, preference in making said appointment to be given to a duly qualified civil engineer when possible, 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 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 councillors.
- (d) To act as purchasing agent for all departments of the town.
- (e) 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.
- (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. 11. 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 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 council for payment. Provided, however, that no item, the purchase price of which exceeds \$300, shall be purchased by said town manager without the previous approval of the councillors.

Sec. 12. 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 council 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. Sworn by town clerk. All town officers elected or appointed shall be sworn by the town clerk to the faithful performance of the duties of their respective offices.

Sec. 14. 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. 15. Orders issued and signed by councillors. No money shall be paid out of the town treasury except by order issued and signed by the councillors and presented to the treasurer of said town at the time of payment.

Sec. 16. Bonds required of those entrusted with money. 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.

Sec. 17. Inconsistent acts repealed. All acts or parts of acts inconsistent herewith in so far as they relate to the town of Fort Fairfield in the county of Aroostook are hereby repealed.

Sec. 18. Effective date; referendum. This act shall take effect immediately upon its passage by the legislature only for the purpose of permitting its submission to the legal voters of the town of Fort Fairfield, at a special town meeting called for that purpose prior to March 15, 1943, by an appropriate article inserted in the call for said meeting. Such election shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration in said town of Fort Fairfield shall not be required to prepare for posting or the town clerk to post a new list of voters. The town clerk

shall prepare the required ballots upon which he shall reduce the subject matter of this act to the following question: "Shall the act to amend the charter of the town of Fort Fairfield be accepted?" and the voters shall indicate by a cross placed over the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes of this act immediately upon the acceptance of this act at said special town meeting. The result of the vote in said town shall be declared by the municipal officers of the town of Fort Fairfield and a certificate thereof filed by the town clerk with the secretary of state.

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