

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 129**

H. P. 187

House of Representatives, January 27, 1943.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Brown of Brunswick by request.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-THREE

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

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

**Sec. 1. The municipal year; date of town meetings.** The municipal year of the town of Brunswick shall be February 1 to January 31. The annual town meeting shall be held in the town of Brunswick in the county of Cumberland, on the 1st 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 the annual town meeting, the voters shall elect by ballot as hereinafter provided a town council consisting of 7 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 and a tax collector.

At the first annual town meeting held under this act the members of the board of councillors shall be chosen as follows: 2 for a term of 1 year, 2 for a term of 2 years, and 3 for a term of 3 years, and thereafter at each 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 3 council-

lors shall be elected; 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 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 and amendments thereto and shall have the same powers and be 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 1 of their number to be chairman. An affidavit of such choice of chairman, 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. The town clerk shall be the secretary of the council and he or his deputy shall attend all meetings.

**Sec. 5. Duties of councillors.** Said councillors elected as herein provided shall have the same powers in relation to repair of bridges and roads as 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 time as they may designate in their organization meeting provided for in section 4, and 4 members of said council 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 such special meeting shall be mailed to, served upon, or left at the usual dwelling places of said councillors and the town manager, at least 24 hours before such meeting. All meetings shall be public.

**Sec. 6. Compensation of councillors.** Each councillor shall receive \$5.00 for each regular or special meeting attended except that he shall not receive more than \$150 in any one fiscal year.

**Sec. 7. Town manager.** Said councillors shall by ballot by a majority vote of the total members appoint 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, shall authorize the town manager at the time of his appointment aforesaid, to perform the duties imposed on them by chapter 33 of the revised statutes, and acts additional thereto, and amendatory thereof. Such town

manager shall, on and after his appointment aforesaid, be superintendent of roads and bridges and building inspector of said town.

**Sec. 8. Terms of town officers.** All appointed officers and boards, except the health officer, shall hold office at the pleasure of the appointing power, except as otherwise provided.

**Sec. 9. Powers and duties of town manager.** The town manager shall be chosen by the town council on the basis of his executive and administrative qualifications and his technical knowledge of municipal management and his integrity of character. 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 and amendments thereto, have control. 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 by ordinance.
- (c) To act as purchasing agent for all departments of the town. 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 board of 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. 10. Appointive power of manager.** The manager shall have the power to appoint and remove, subject to the provisions of this charter, all officers and employees in the administrative service of the town; but the manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. All such appointments shall be within definite terms.

**Sec. 11. Appointive officers.** There shall be appointed by the manager; (1) a police chief; (2) a fire chief; (3) a health officer, whose appointment shall be subject to approval of the state department of health and welfare as provided in the revised statutes of 1930 and amendments thereto; and

(4) such other officers as are necessary to administer all departments which the council shall establish, which departments shall replace all existing departments, boards, and commissions. The powers and duties of these officers and heads of departments so appointed shall be those prescribed by state law, by this chapter, or by ordinance.

**Sec. 12. 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 including the school department. He shall see to the delivery of such supplies and materials to each department, and shall take and file receipts thereof. 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 the school department, shall bear the approval of the town manager when presented to the councillors for approval.

**Sec. 13. Salary.** The town manager shall devote his entire time to the duties of his 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 last day of every month.

**Sec. 14. Removal.** The manager may be removed by a majority vote of the members of the council as herein provided. At least 30 days before the proposed removal of the manager, the council shall adopt a resolution stating its intention to remove him and the reasons therefor. A copy of such resolution shall be served forthwith on the manager, who may, within 10 days, demand a public hearing, in which event the manager shall not be removed until such public hearing has been held. Upon or after passage of such a resolution the council may suspend him from duty, but his pay shall continue until his removal. In case of such a suspension the council may appoint an acting manager to serve at the pleasure of the council for not more than 90 days. The action of the council in removing the manager shall be final.

**Sec. 15. Assistant assessors.** The town council shall have the power to employ or appoint one or more persons to perform the routine duties of the assessors; provided, however, that the determinations of all valuations must be made by the assessors.

**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 the order issued and signed by a majority of 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 corporate surety bond, satisfactory to said councillors, from all persons trusted with the collection, custody, or disbursement of any of the moneys of said town; and may require such bond from such other officials as they may deem advisable; provided, however, that the town shall pay the costs of providing said bond.

**Sec. 20. Nomination of councillors.** Nomination of candidates for the office of councillor and all other elective officers in the town of Brunswick, shall be made by nomination papers signed in the aggregate for each candidate by not less than 50 qualified voters of the town of Brunswick.

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

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

**Sec. 21. Preparation of ballots.** The town clerk shall prepare the ballots to be used at the municipal elections in a form as nearly like the ones used in biennial elections as the requirements of this charter permit. The ballot shall contain the names in alphabetical order, without party designations, of all who file with the town clerk as candidates for the office of councillor not later than 5 o'clock in the afternoon of the tenth day before the election. The town clerk shall have the same powers and duties with reference to general elections that he has to biennial elections so far as such powers and duties are not inconsistent herewith.

**Sec. 22. Repealing clause.** All acts or parts of acts inconsistent herewith in so far as they relate to the town of Brunswick, in the county of Cumberland, are hereby repealed.

**Sec. 23. Ratification.** This act shall not become operative until it is ratified by the legally qualified voters of said town of Brunswick, voting at a special town meeting called for that purpose by an appropriate article inserted in the call for said meeting but if and only if the total number of votes cast for and against the acceptance of this act in said special election equals or exceeds 20% of the total number of names on the check list of voters of said town or at an annual town meeting. Such vote shall be by the Australian ballot and this act when so ratified shall become operative at the next annual town meeting.

**Sec. 24. Saving clause.** If any portion of this act shall be held to be unconstitutional, such decision shall not affect the validity of the remaining portion thereof.