

MAINE STATE LEGISLATURE

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NINETY - SECOND L E G I S L A T U R E

Legislative Document

No. 168

H. P. 432

House of Representatives, January 30, 1945.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Tozier of Fairfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

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

Emergency preamble. Whereas, the town of Fairfield in the county of Somerset has, by a vote of its legally qualified voters, at a special town meeting legally called, petitioned the legislature for the enactment of a town manager charter subject to local referendum; and

Whereas, the opportunity to act on the referendum prior to the annual town meeting in March, 1945 would greatly facilitate raising of revenue for the general government for the ensuing year; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. The municipal year; date of town meeting. The municipal year of the town of Fairfield shall be February 1st to January 31st. The annual town meeting shall be held in the town of Fairfield in the county of Somerset on the 1st Monday of March in each year. And the voters shall choose

by ballot as now provided by law a moderator; after which the polls shall be opened for the balloting for town officials named in section 2. The time of opening and closing the polls and opening of the business meeting is to be set by a vote of the town. Special town meetings may be called in the manner and for the purposes set forth in the general statutes.

Sec. 2. Elective officers. The officers of the town who shall be nominated and elected by the qualified voters of the town of Fairfield as hereinafter provided shall be: 5 councillors comprising a town council; 3 members comprising the superintending school committee, and a town clerk. To be qualified for nomination and election to such positions a person must be a qualified voter of said town. At the first meeting held under the provisions of this act, said councillors shall be chosen 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 of said annual 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 present members of the superintending school committee whose terms of office have not expired shall continue to serve until the expiration of their present terms of office. The 3rd member shall be chosen in the manner provided for in this section for a term of 3 years and annually thereafter by the voters for a term of 3 years.

Sec. 3. Nominations. Nomination of candidates for the offices of councillors, members of the superintending school committee and town clerk shall be made by nomination papers signed in the aggregate for each candidate by not less than 50 qualified voters of the town of Fairfield.

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 Fairfield shall be filed with the town clerk at least 7 days prior to the annual town meeting. Nomination papers shall be uniform and shall be supplied by the town clerk.

Sec. 4. Elections. The election of all elective officers provided for in this act shall be by Australian ballot, as provided by sections 46 to 60, inclusive, of chapter 80 of the revised statutes of Maine and acts additional thereto and amendatory thereof.

Sec. 5. Councillors, powers and duties. The councillors provided for in

section 2 shall serve instead of selectmen and overseers of the poor 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 except as is otherwise provided by this charter. Councillors shall have the same powers in relation to the building and maintenance of roads and bridges as municipal officers have under the general statutes and shall be subject to the same duties thereto. Councillors as overseers of the poor may authorize the town manager, at the time of his appointment 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 written answers referred to in sections 29 and 30 of chapter 82 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.

Sec. 6. Organization meeting of the council. 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 at all council meetings. Said records shall be public records and shall be open at all times to the inspection of any citizen of said town.

Sec. 7. Regular and special meetings of the council. The councillors shall meet once each month at such time as they may designate in their organization meeting provided for in section 6, and 3 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 place of said councillors and the town manager, at least 24 hours before such meeting.

Sec. 8. Compensation of councillors. Each councillor shall receive \$5 for each regular meeting attended but not to exceed \$60 annually. In addition to said annual salary, councillors when sitting as a board of registration of voters in their capacity as municipal officers as required by law preceding any annual meeting, primary election, state or presidential election, shall receive a per diem of \$5 each but the total of such per diem allowance shall not exceed \$15 for any one day, meaning and intending that any 3 of said councillors shall constitute a legal board to pass upon the

qualifications of persons desiring their names entered upon the polling list of said town of Fairfield. Provided, further, that for such services, as required under the general law, of such councillors, acting in their capacity as municipal officers, at any such annual meeting, primary election, state or presidential election the per diem shall be \$5 per day, the total allowance for any one day not to exceed \$15. Payment for all services contemplated by this section shall be made by the town treasurer out of the town treasury.

Sec. 9. Superintending school committee; powers and duties. The superintending school committee, elected as herein provided, shall have the same powers in relation to the schools of said town as is now provided by the revised statutes of the state of Maine and acts additional thereto and amendatory thereof.

Sec. 10. Appointive officers. All appointed officers and boards, except as otherwise provided in this charter, shall hold office at the pleasure of the appointing powers. Vacancies caused by death, resignation, or removal shall be filled within a reasonable time by the appropriate appointing powers.

The councillors, as soon as may be after the organization meeting provided in section 6, shall by ballot by majority vote appoint: (1) a town treasurer; (2) a board of assessors consisting of 3 members; (3) a budget committee of 12 members, the council members shall also be members of said committee; and (4) a town manager.

Sec. 11. Board of assessors. The members of the board of assessors, appointed as provided in section 10, shall be appointed, 1 for a term of 1 year, 1 for a term of 2 years, and 1 for a term of 3 years, and thereafter each year 1 for a term of 3 years. The board of assessors shall have the same powers and shall be subject to the same duties as provided by the revised statutes of the state of Maine, and acts additional thereto and amendatory thereof.

Sec. 12. Budget committee. The members of the budget committee, appointed as provided in section 10 shall be appointed 4 for a term of 1 year, 4 for a term of 2 years and 4 for a term of 3 years, and thereafter, each year, 4 for a term of 3 years.

The budget committee, as appointed above, shall meet and appoint from among its members a chairman and a secretary and shall thereafter meet at the request of the councillors for discussion and recommendation on matters which the council may wish to present. The committee shall hold a regular meeting during the 1st week in February of each year to consider

recommendations to the town for appropriations to be made at the coming annual town meeting. At this meeting the council by its chairman, and the superintending school committee by its chairman shall present to the budget committee their recommendations for expenditures for the ensuing year, and shall furnish to the budget committee such detailed and accurate data as is necessary for intelligent action.

At the said meeting the town manager and the superintendent of schools shall present a detailed analysis of the town's actual expenditures from February 1st to January 31st of the current fiscal year. On or before February 15th the manager and the superintendent of schools shall present to the budget committee the final statement of receipts and expenditures for the fiscal year just completed. The budget committee shall hold such additional meetings as it may deem necessary for proper consideration of the town's services and finances. Not later than February 25 the committee shall hold its final meeting and make specific recommendations to be presented to the annual town meeting on all articles in the warrant of said meeting calling for appropriations, and shall appoint one of its members to explain at the town meeting its recommendations and the reasons therefor.

Sec. 13. Town manager. The town manager shall be chosen as provided in section 10, on the basis of his executive and administrative qualifications and experience and his technical knowledge of municipal management.

Sec. 14. Powers and duties of the town manager. The manager shall be the administrative head of the town government, and shall be responsible to the council for the administration of all departments of the town over which the council has control under this act, and under the general statutes, and his powers and duties, where not otherwise provided, shall be generally as follows:

(a) To appoint all town officers or agents whose election or appointment has not been otherwise provided for by this charter. In case of the appointment of a health officer, the appointment shall be for a period of 3 years and subject to the approval of the commissioner of health and welfare.

(b) To see that the laws and ordinances are enforced.

(c) To exercise control over all departments created herein or that may hereafter be created, either by general law or ordinance.

(d) To act as purchasing agent for all departments of the town, except

for the school department, and to submit to competitive bids any transaction involving more than \$100 if the council so orders. 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 accounts for the school department, shall bear the approval of the town manager when presented to the council for payment.

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

(f) To keep the council 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 council or by the town by-laws.

(h) To perform the duties of tax collector subject to general laws of the state.

Sec. 15. Salary of manager. 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 council and the actual and necessary expenses incurred in the performance of his duties performed outside the boundaries of the town of Fairfield to be paid by the town treasurer in monthly payments on the 1st day of every month. He shall maintain an office at such place as the councillors deem advisable and shall be provided with such clerical assistance as the council may decide.

Sec. 16. Compensation of officers. When not otherwise provided by general law or by this act, the compensation of officers of the town except those under the superintending school committee shall be fixed by a vote of the councillors.

Sec. 17. Payments. No money shall be paid out of the town treasury except by order issued by the councillors, or their representatives authorized for the purpose and presented to the treasurer of the town at the time of payment.

Sec. 18. 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. 19. Bonds of officers. 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 or bonds shall be paid by the town.

Sec. 20. Repealing clause. All acts or parts of acts inconsistent herewith in so far as they relate to the town of Fairfield in the county of Somerset the hereby repealed.

Sec. 21. Ratification. This act shall become operative when it is ratified by a majority of the legally qualified voters of the town of Fairfield, voting at a special town meeting prior to March 1st, 1945 called for that purpose by an appropriate article inserted in the call for said meeting. This act when so ratified shall become operative on the 1st Monday in March, 1945.

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