

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 210**

H. P. 529

House of Representatives, January 31, 1945.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Cyr of Grand Isle.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-FIVE

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

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**Emergency preamble.** Whereas, the town of Van Buren, in the county of Aroostook, has been under the control of the state of Maine from August, 1937, to March, 1944; and

Whereas, said town of Van Buren 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, 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. 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 Van Buren, in the county of Aroostook, on the 3rd Monday of March in each year.

**Sec. 2. Election of officers.** At such town meetings, the voters of said town of Van Buren, shall elect as hereinafter provided, the following officers:

- I. A moderator for said meeting,
- II. A town clerk to serve for the ensuing year,
- III. Town councillors as herein provided, and
- IV. A member of the superintending school committee.

There shall be in all 5 town councillors, 3 members of the superintending school committee. Members of this board and committee whose terms have not expired on the effective date of this act shall continue to serve until the expiration of the term to which they were elected. In case of vacancies in any of these offices at an annual meeting of the body which has the power to elect said officers, their successors shall be elected to fill only the unexpired term. At the first annual meeting after the adoption of this act, one councillor shall be elected to serve for 3 years. At subsequent annual town meetings as many councillors shall be elected as are needed to bring the total number up to 5, each to serve for a term of 3 years, and in a like manner a member of the superintending school committee shall be elected at said annual meeting to serve a period of 3 years.

**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. 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 times to the inspection of any citizen of said town.

**Sec. 5. Duties of councillors; school committee.** 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 commis-

sioner or commissioners and municipal officers have under general statutes, and be subject to the same duties in relation thereto. 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. The councillors shall meet once 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. 6. Compensation.** Each councillor shall receive \$150 per year and his actual and necessary expenses incurred in the performance of his duties outside of such meetings, these expenses to be paid by the town treasurer.

**Sec. 7. Town manager.** Said councillors shall by ballot by a majority vote, appoint a treasurer, a tax collector, a health officer, and 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, 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 29 and section 30 of chapter 82 of the revised statutes. 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. Such town manager shall, on and after his appointment as aforesaid, be the superintendent of roads of said town.

**Sec. 8. Special power of councillors.** At any regular meeting, the councillors may vote to combine the offices of collector of taxes and town manager.

**Sec. 9. 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. 10. Powers and duties of town manager.** The town manager shall be chosen by the councillors solely 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 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:

- I. To see that the laws and ordinances are enforced,
- II. To exercise control over all departments created herein or that may hereafter be created, except the school department, either by general law or ordinance,
- III. • 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,
- IV. 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,
- V. To keep the councillors fully advised as to the business, financial condition, and future needs of the town, and
- VI. To perform such other duties as may be prescribed by the councillors.

**Sec. 11. 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. 12. Salary.** 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 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. 13. 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. 14. 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. 15. Payment 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. 16. 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 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. 17. Nomination of councillors.** Nomination of candidates for the office of councillor and all other elective offices in the town of Van Buren, shall be made by nomination papers signed in the aggregate for each candidate by not less than 50 qualified voters of the town of Van Buren.

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 Van Buren shall be filed with the town clerk at least 10 days prior to the annual town meeting.

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

**Sec. 18. Repealing clause.** All acts or parts of acts inconsistent herewith in so far as they relate to the town of Van Buren, in the county of Aroostook, are hereby repealed.

**Sec. 19. Ratification.** This act shall not become operative until it is ratified by the legally qualified voters of said town of Van Buren, voting at a special town meeting prior to March 10, 1945 called for that purpose by

an appropriate article inserted in the call for said meeting. Such vote shall be by ballot and this act when so ratified shall become operative on the 3rd Monday in March, 1945.

**Emergency clause.** In view of the emergency recited in the preamble hereof, so much of this act as authorizes the submission of this act to the voters of the town of Van Buren for their acceptance shall take effect when it is approved and when so approved the board of selectmen of said town shall forthwith call a special town meeting for the purpose of submitting this act to the legally qualified voters of said town for their acceptance or rejection.

All other and further provisions of this act shall have and be of no effect unless accepted by the qualified voters of the town of Van Buren in accordance with the foregoing provision.