

MAINE STATE LEGISLATURE

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

Legislative Document

No. 265

H. P. 655

House of Representatives, February 1, 1945.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Morneault of Fort Kent.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT to Provide a Town Council and Manager Form of Government for the Town of Fort Kent, in the County of Aroostook.

Emergency preamble. Whereas, the citizens of the town of Fort Kent have made plans to operate under council-manager form of government, and

Whereas, the regular town meeting of Fort Kent comes in March and unless this act is made effective without delay it will not be possible to elect officers and plan the year's business at the regular town meeting, 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, 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 Fort Kent, in the county of Aroostook on the 4th 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 meetings the voters shall choose by ballot a member or members of the council as hereinafter provided, who shall be inhabitants of the town, a town clerk, an auditor of accounts, and a member of the superintending school committee to serve for 3 years. The present members of the superintending school committee shall serve until the expiration of their present terms, and during the balance of their respective terms of office, together with the new member or members chosen in accordance with the provisions of this act, shall constitute the superintending school committee of said town until all members of said committee shall have been chosen hereunder.

At the 1st meeting held under the provisions of this act, 5 councillors shall be chosen, as follows: 2 for the term of 1 year, 2 for the term of 2 years and 1 for the term of 3 years, who shall constitute the council; 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 councillor, due to death, resignation or other cause, shall be filled at the next annual meeting for the unexpired term.

The council shall select annually a town treasurer and a tax collector, and once in 3 years a health officer, subject to the approval of the commissioner of health and welfare, as now provided by general law; and when a vacancy exists, shall select a town manager, with the duties hereinafter defined, for a term not to exceed 3 years. Said health officer shall appoint a plumbing inspector or inspectors in accordance with the provisions of section 162 of chapter 22 of the revised statutes. 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, subject to approval by a majority of the council.

Sec. 3. Councillors serve ex officio as certain officers. The councillors provided for in section 2 shall serve instead of selectmen, overseas of the poor and assessors of taxes provided by general statute and shall have the same powers and be subject to the same duties.

Sec. 4. Organization meeting. The council elected as herein provided shall meet within 24 hours after its election and shall choose by ballot one of its members 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 council, 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 council. 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 council; school committee. Said council elected as herein provided, shall serve instead of board of road commissioners, road commissioner or road commissioners as provided for by general statute 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 commissioners and municipal officers have under general statute, and be subject to the same duties in relation thereto. The superintending school committee, constituted or 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 once each month at such times as it may designate in its organization meeting provided for in section 4, and 3 members of said council shall constitute a quorum for the transaction of business. Special meetings of said council may be called by the chairman of said council 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 each councillor and to the town manager, at least 24 hours before such meeting.

Sec. 6. Compensation. Each councillor shall receive \$100 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 council shall by ballot by a majority vote, not later than the 3rd regular meeting of said council, after said organization meeting, appoint a town manager, said office of town manager being hereby created, who shall not be a member of said council. Said council 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 sections 29 and 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 members of the council, 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 council. At any regular meeting, the council may vote to combine the officers 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 that of town

manager, who can only be removed upon written charges and a public hearing before the council, upon the question. Previous to the date of his removal, but pending such hearing, the council may suspend them from office.

Sec. 10. Powers and duties of town manager. The town manager shall be chosen by the council solely on the basis of his executive and administrative qualifications, and his knowledge for road construction, and he 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 the general statutes, 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 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.
- (d) 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.
- (e) To keep the council 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 council.

Sec. 11. Duties of 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 accounts for the school department, shall bear the approval of the town manager when presented to the council 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 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. Officers to be sworn. All town officers elected or appointed shall be sworn by the town clerk, or by any officer authorized to administer oaths, to the faithful performance of the duties of their respective offices.

Sec. 14. Compensation of officers. When not otherwise provided herein the compensation and fees of officers of said town shall be fixed by a vote of the council.

Sec. 15. 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. 16. Bond of officials. The council of said town shall require a bond with sufficient surety or sureties satisfactory to said council, 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 officials as it may deem advisable.

Sec. 17. Ratification. This act shall not become operative until it is ratified by said town of Fort Kent, at an annual town meeting or at a special town meeting called for that purpose by an appropriate article inserted in the call for said meeting, prior to April 1, 1946. Voting shall be by checklist and this act when so ratified shall take effect on the 4th Monday in March next following said ratification.

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