

MAINE STATE LEGISLATURE

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

Legislative Document

No. 975

House of Representatives, March 7, 1945.

Reported by Mr. Donahue from the Committee on Legal Affairs and on motion of Mr. Hemphill of Mechanic Falls tabled pending adoption and ordered printed.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

Committee Amendment "A" to H. P. 426, L. D. 189, Bill "An Act to Provide a Town Council and Manager Form of Government for the Town of Mechanic Falls, in the County of Androscoggin".

Amend said bill by striking out all of section 2 and substituting in place thereof the following:

"Sec. 2. Election of officers. At such annual town meetings the voters shall elect by ballot as hereinafter provided, 5 inhabitants of said town to be known as councillors, and a member or members of the superintending school committee, in accordance with the general law, and a town clerk.

At the first annual town meeting, said councillors shall be elected as follows: 2 for a term of 1 year, 2 for a term of 2 years, 1 for a term of 3 years, and thereafter at each of said annual town 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 chairman of the council shall annually appoint, subject to confirmation by the council, a treasurer, a board of registration to be composed of

three members of the council who shall also perform the duties set forth in section 6, and once in 3 years a health officer subject to the approval of the state commissioner of health and welfare, and when a vacancy exists, shall select a town manager, with duties hereinafter defined, for a term not to exceed 3 years. Said health officer shall appoint a plumbing inspector for a term of 1 year subject to the approval of said commissioner as now provided by general law. Except as hereinafter provided, all other necessary town officers provided by this act or now or hereafter provided under any statute, ordinance, or by-law shall be appointed by the town manager, subject to approval by a majority of the council."

Further amend said bill by striking out all of section 3 and substituting in place thereof the following:

"Sec. 3. Councillors to serve ex officio as certain officers. The councillors provided for in the preceding section shall serve instead of selectmen, overseers of the poor, and assessors of taxes provided for by general statutes and shall have the same powers and be subject to the same duties vested in them by virtue of said offices."

Further amend said bill by striking out all of sections 6, 7, and 8, and substituting in place thereof the following:

"Sec. 6. Compensation. Each councillor shall receive an annual salary of \$50. In addition to said annual salary, the councillors when sitting as a board of registration of voters in their capacity as municipal officers as required by law during the 3 secular days next preceding any primary election, state or presidential election, shall receive a per diem of \$3 each, meaning and intending that said board of registration shall constitute a legal board to pass upon the qualifications of persons desiring their names entered upon the polling list of said town of Mechanic Falls. Provided further, that for such services, as required under the general law, of such board of registration, acting in their capacity as municipal officers, at any such primary election, state or presidential election the per diem shall be \$5 per day. Payment for all services contemplated by this section shall be made by the town treasurer.

Sec. 7. Town manager and tax collector. 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 appointment shall be made as soon as possible after the organization of said council. The town manager so appointed shall be the collector of taxes and as such shall have the same powers as though regularly elected under the provisions of the general statute. The

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 notices and answers referred to in sections 29 and 30 of chapter 82 of the revised statutes. Any such notices and answers shall have the same effect as if signed and sent by the members of the council as overseers of the poor. Said town manager, on and after his appointment as aforesaid, shall be road commissioner of said town.

Sec. 8. Special power of council. The council shall pass such municipal ordinances as they think necessary and proper, governed by the authority which towns have to enact ordinances under the provisions of the general law. At any regular meeting, the council may vote to combine the offices of collector of taxes and town treasurer."

Further amend said bill by striking out after the word "council" in the fourth line (4th line of bill as printed) of section 9 thereof, the underlined words "upon the question".

Further amend said bill by striking out all of section 17, and substituting in place thereof the following:

"Sec. 17. Nomination of officers. Any and all candidates for the council and other elective offices in the town of Mechanic Falls, shall file with the town clerk at least ten days prior to the annual town meeting, a uniform petition or nomination paper, which shall be supplied by said town clerk, requesting the name of the candidate to be placed on the ballot, and shall specify the name, office, and term thereof, to which he is nominated, and be signed by not less than 25 qualified voters of said town."

Further amend said bill by adding to section 18, the following paragraph:

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