

MAINE STATE LEGISLATURE

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N I N E T Y - F I F T H L E G I S L A T U R E

Legislative Document

No. 325

H. P. 540

House of Representatives, January 31, 1951.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Parent of Rumford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

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

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

ARTICLE I

Incorporation

Sec. 1. Incorporation and grant of powers. The inhabitants of the town of Rumford; in the county of Oxford, with the corporate limits as now established or as hereinafter established in manner provided by law, shall continue to be a body corporate and politic under the name of the town of Rumford, and shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said town as a municipal corporation, or to the inhabitants and municipal authorities thereof; and may enact bylaws for municipal purposes, not inconsistent with the constitution and laws of the state, and impose fines and penalties for the violation thereof, not exceeding \$20 for any 1 offense, to be recovered for the use of said town by an action of debt, or on complaint, brought in the Rumford Falls municipal court, or any other court of competent jurisdiction.

Sec. 2. Form of government. The municipal government established by this act shall be known as the "Town Manager Form of Government." Pursuant to the provisions of this act and subject only to the limitations imposed by the constitution and general law of the state and the bylaws of the town, all powers of the town shall be vested in a board of selectmen, which shall appoint a town manager, whose duty it shall be to administer the affairs of the town as hereinafter provided.

ARTICLE II

Organization of Government

Sec. 1. Elective officers. The elective officers of the town shall be and are a board of selectmen; school committee; board of assessors; town treasurer; town clerk; tax collector and constable and moderator.

Sec. 2. Appointive officers. The appointive officers of the town shall be and are a finance committee; public service commission; park commission; board of library trustees; town manager; auditor and town solicitor.

Sec. 3. Additional administrative officers. There shall be such additional administrative officers and agents as may be required by general law and as may be appointed or authorized by the board of selectmen.

ARTICLE III

Warrants for Meetings

Sec. 1. Duty to prepare. It shall be the duty of the board of selectmen to prepare the warrants for all town meetings, which shall be processed in accordance with the provisions hereinafter made. Such warrants shall be clear, concise and in proper legal form, and shall be approved by the town solicitor as to form and legality before they are signed and issued by the board.

Sec. 2. Basic articles. The board shall prepare and insert in the annual meeting warrants such articles as appear essential and expedient for the conduct of the town affairs for the ensuing year, but shall not burden such warrants with trivial matters of no general interest and which should be handled by administrative procedure.

Sec. 3. Initiated articles. The board shall also include in the annual meeting warrants such additional articles as shall have been initiated and processed as provided in section 5.

Sec. 4. Articles relating to bylaws. The board shall also include in

the annual meeting warrants such additional articles relating to bylaws, as shall have been initiated and processed in accordance with the provisions of Article IV of this act.

Reproduction in the warrant of any proposed bylaw, amendment to an existing bylaw, or revision of a group of bylaws shall not be required, provided that the pertinent article refers to the bylaw, amendment or revision by title and by the filing number of the town clerk, and provided further, that such bylaw, amendment or revision, with an appropriate title, is filed in triplicate with the town clerk prior to the time the warrant is issued by the board.

Sec. 5. Procedure for initiated articles. The board of selectmen annually shall hold 2 public hearings, one during the 3rd and one during the 4th week of November, for the purpose of receiving proposals for articles, other than relating to bylaws, to be included in the warrant for the next annual town meeting. An appropriate notice of said 2 hearings shall be combined and shall be given publicity in the same manner as provided by Article V of this act for notices of town meetings.

Such hearings may be held in conjunction with regular or special meetings of the board, or independently, as the board may determine. The town manager shall attend such meetings and act as secretary to the board, and the town solicitor shall likewise attend and render such legal advice as the board may require.

At such hearings, the elected and appointed officers and agents of the town and any qualified voter of the town shall present, in writing, to the board, such proposals relative to articles, other than bylaws, as they may consider appropriate or advisable for inclusion in the warrant.

To the end that brevity and orderly form shall result, all boards, commissions, departments and officials submitting proposals involving appropriations of money shall group all related items, wherever practical and legal, under 1 article, in such form that the total appropriation requested shall appear as well as the itemized allocation of such total.

The board shall take action on each proposal so placed before the meeting, and by majority vote of those members present shall approve or reject such proposal. The secretary of the board shall record each vote and announce the result forthwith, and no other notification shall be required.

Any board, commission, officer or voter aggrieved by the decision of the board on a submitted proposal may, within 7 days following such decision, file with the board, through the town manager, a petition or petitions

signed in the aggregate by at least 500 qualified voters of the town, with their street addresses, and street numbers, if any, requesting the inclusion of the rejected article in the warrant. Said petition or petitions shall be referred to the town clerk for inspection, and the clerk, as soon as possible, shall certify to the board whether or not there are on said petition or petitions the required number of signatures of qualified voters of the town which are in his opinion genuine. If the certificate is in the affirmative, the board shall thereupon insert such article in the warrant with an appropriate legend to indicate that the same originates by petition. The board shall have the right to revise such an initiated article before inclusion in the warrant, as to form, on its own motion. It shall also revise the same as to substance to such extent as may be required by written opinion of the town solicitor to make said article conform to the provisions of the constitution and general law of the state, of this act and the bylaws of the town.

ARTICLE IV

Promulgation of Bylaws

Sec. 1. Limitation. Bylaws, as authorized by Article I hereof, shall be initiated as provided in the following section and in no other manner; provided, however, that at the 1st annual town meeting to be held under this act, the voters at the business meeting, under an appropriate article or articles in the warrant for said meeting, may adopt an initial group of bylaws.

Sec. 2. Hearings. The board of selectmen shall hold 2 public hearings, 1 during the 3rd and 1 during the 4th week of October, for the purpose of receiving proposals for articles, relating to new bylaws or to amendment or rescision of existing bylaws, to be included in the warrant for the next annual town meeting. Notice of such hearings, and the procedure with relation to such proposals, shall be the same as provided in section 5 of Article III of this act.

ARTICLE V

Town Meetings

Sec. 1. Fiscal year. The fiscal year of the town shall be the calendar year.

Sec. 2. Annual meetings. The annual meeting shall be held at Rumford in the county of Oxford on the 1st Monday of February at such hour and place as the board of selectmen shall indicate in the warrant, and af-

ter the transaction of such business as is in order at that time, the meeting shall be adjourned to the 2nd Monday of February at 9 o'clock in the forenoon for balloting. The initial meeting, as above, shall be designated as the "business meeting," and the adjourned meeting shall be designated as the "election meeting."

Sec. 3. Procedure at meetings. The business meeting shall be called to order by the town clerk, who shall read the warrant and preside over the meeting until a moderator has been elected. All articles in the warrant shall thereupon be disposed of except those relating to bylaws, to the election of officers, and such others as shall require disposition by Australian ballot. When such business has been concluded, the meeting shall be adjourned to the 2nd Monday of February at 9 o'clock in the forenoon.

In presiding over town meetings, the moderator shall entertain motions, within the limitations herein prescribed, and present them to the voters for disposition, in such manner that the issues shall be clearly presented and understood, and fairly resolved. In the performance of his duties, he shall be bound by the provisions of the general law, unless the contrary is clearly indicated herein.

A motion to reconsider action previously taken at the same meeting shall be entertained by the moderator only if the motion clearly identifies the previous action and the article under which it was taken, and if the person making the motion voted with the majority on the previous motion; provided, however, that no such motion shall be entertained when a recess or adjournment of said meeting for more than 1 hour has intervened between the previous action and the motion to reconsider.

A motion to amend a pending motion shall not be entertained unless the sponsor of the pending motion first agrees thereto. The sponsor of a pending motion shall be permitted to withdraw the same at any time prior to a vote thereon. When a pending motion is defeated, the moderator shall entertain successive alternate motions, if any be offered, until the subject matter of the article before the meeting is disposed of.

At the annual business meeting, debate and discussion shall be entertained on articles in the warrant relating to bylaws, but no action shall be taken thereon at such meeting. Vote on such articles, without modification or amendment, shall be had only at the election meeting.

No motion on an article in order for disposition at any annual business meeting, or at any special meeting, shall be disposed of by written ballot, except that at an annual business meeting, by a majority vote of those persons voting, any article then in order for disposition and which does not

involve an appropriation of money, may be referred to the adjourned election meeting, there to be voted upon by Australian ballot. In such event the town clerk shall prepare for use at such election meeting an appropriate ballot which shall clearly present the question, to the end that an affirmative adopts and a negative vote rejects the article.

With relation to such articles in the warrant as involve the possible appropriation of money, and concerning which the finance committee shall have made a recommendation, a member of the finance committee shall first be recognized by the moderator for the purpose of presenting and discussing a motion, provided that his motion is consistent with the recommendation of the finance committee, as published, or as announced from the floor by the chairman or acting chairman of said committee. If, after reasonable inquiry, the moderator shall be satisfied that no member of the finance committee is prepared to offer a motion under such article, he may then recognize other persons for such purpose.

Any motion involving an appropriation of money under an article concerning which the finance committee has made no recommendation or has recommended that no appropriation be made, and any motion designed to increase the amount of an appropriation by over 10% of the amount recommended by the finance committee, shall require a vote of 2/3 of those persons voting, and failing to obtain such vote, the motion shall be lost.

Sec. 4. Election meeting. The election meeting shall be solely for the purpose of voting by Australian ballot for candidates for election offices; on articles in the warrant relating to bylaws; and such other articles, if any, as shall have been referred to the election meeting by the voters for disposition by Australian ballot as provided in section 3 of this article.

The town clerk shall cause to be prepared for use at said election meeting, and for special meetings when required, suitable ballots for the election of officers and for voting on such articles in the warrant as are to be determined by Australian ballot. The form of ballots for use in connection with bylaws shall be substantially as follows:

Shall the town adopt (amend or rescind) the bylaw (amendment or revision) entitled _____, filing number _____ as proposed under article _____ of the warrant for the 19 _____ annual meeting?

Yes

No

The form of ballots for use in election of officers shall conform as closely as possible with the ballots specified by general law for state elections. All ballots cast at such meetings shall be handled, counted and recorded as prescribed by the general law so far as the same is applicable.

At said election meeting the polls shall be opened for balloting at 9 o'clock in the forenoon and shall be closed at 6 o'clock in the afternoon. At special meetings where vacancies in elective offices are to be filled, the polls shall be opened and closed at such time as the board of selectmen shall specify in the warrant for such meeting.

The counting and recording of the ballots cast at any election meeting shall take place following the closing of the polls, and when the same has been completed, the moderator shall announce the results of the balloting and shall then declare the town meeting to be finally adjourned.

Sec. 5. Special meetings. Special town meetings shall be called by the board of selectmen to fill vacancies in elective offices as provided in Article XX of this act, and for no other purpose unless in the opinion of the majority of the board an emergency relating to town affairs or the welfare of its citizens is deemed to be presented and which requires prompt action by the voters in special meeting. When 25 qualified voters are of the opinion that such an emergency is presented, they may in writing request the board to call a special meeting, which request shall state specifically the nature of the emergency and of the action to be taken thereon at the proposed special meeting. The board shall take action on such written request within 5 days from the receipt of same. If such action is unfavorable, it shall be final unless thereafter a petition or petitions signed in the aggregate by at least 500 qualified voters of the town, requesting that a special meeting be called, are filed with the board. Said petition or petitions shall state generally the nature of the emergency, the purposes to be accomplished by a special meeting, shall request that such a meeting be called by the board, and shall bear the address, street number if any, of each signer, and shall be dated. Upon receipt of such a petition or petitions, the board shall refer the same forthwith to the town clerk for inspection, and the town clerk within 24 hours shall report in writing to the board as to whether the required number of signatures on said petition or petitions appear to be genuine and are the signatures of qualified voters of the town. If such report be in the affirmative, the board shall immediately prepare and issue a warrant for a special meeting, the date thereof to be as soon as consistent with the notice required for such meeting. The warrant for a special town meeting, if called for the purpose of filling vacancies in a public office, shall be limited to that purpose, unless the board of selectmen shall otherwise determine. The warrant for a special town meeting, if called for a matter of emergency, shall be limited to that purpose, unless the board shall otherwise determine.

Sec. 6. Notice of town meetings. Notice of annual and special town

meetings shall be given by the person to whom the warrant is directed, by posting attested copies of the warrant in 3 public and conspicuous places in the town, 10 days at least prior to the day of meeting; and by causing an attested copy of said warrant to be published once in a newspaper of general local circulation, said publication to be 10 days at least prior to the day of meeting. The notice of the annual town meeting shall include the day, time and place of both the business meeting and the election meeting.

ARTICLE VI

Qualifications and Nomination of Elective Officers

Sec. 1. Qualifications. Persons to be qualified for nomination and election to elective offices shall be, at the time nomination petitions are filed, duly qualified voters of the town of Rumford and actually resident therein.

Sec. 2. Nomination. Nomination for election to such office shall be by petition or petitions filed with the town clerk not earlier than the 1st day of December and not later than the 7th day of January preceding the annual town meeting, and the clerk shall note thereon the date and hour of filing. In the event of a special election to fill a vacancy in any office, such petitions shall be filed with the town clerk no sooner than 14 days and not later than 7 days prior to such election.

Sec. 3. Nomination petitions. Nomination petitions shall be in such form as determined by, and shall be prepared and supplied by, the town clerk only to the person seeking nomination or to his agent by written authority. They shall contain the name and street address of the candidate and shall specify the date of the meeting at which the election is to be held, the office and the term for which nomination is sought, and a statement signed by the candidate to the effect that if elected, he will accept the office and qualify therefor. Each petition shall also contain a certificate of the person who circulated the same, certifying that he is the person who circulated the petition and that the signatures appearing thereon are genuine to the best of his knowledge and belief, and such certificate shall be sworn to before a notary public or justice of the peace. Such nomination petitions of each candidate shall be personally signed, in the aggregate, by at least 50 qualified voters of the town, and opposite each signer's name shall appear his street address with number, if any. No voter shall sign a petition for more candidates for any office than there are vacancies to be filled. If he does so, his signature shall be valid on the first petition or petitions filed up to the number he is permitted to sign, but shall be void as to any

petitions filed in excess of that number. It shall be the duty of the town clerk to determine whether the nomination petitions filed by or on behalf of a candidate comply with the provisions of this act and entitle the candidate to have his name placed on the election ballot. In the event the town clerk is of the opinion that the petition or petitions of a candidate do not comply, he shall so notify the candidate as soon as may be possible; but in any event within 3 days following the day of filing, by letter deposited in the post office at Rumford and addressed to the candidate as his address appears on said petitions.

Sec. 4. Ballots. Candidates who shall have complied and conformed with the provisions of the 3 preceding sections shall be thereby nominated for the office specified, and their names shall be placed on the election ballots under appropriate designations and shall be voted upon by Australian ballot at the specified election. The candidate receiving the greatest number of votes shall be deemed elected to the designated office. In the event there be 2 or more vacancies to be filled in the same office and for the same term, then the candidate receiving the next highest number of votes shall be deemed elected, and thus in order until all vacancies are filled.

Sec. 5. Candidates supplied. Notwithstanding the provisions of the 3 preceding sections, in any election, annual or special, if there be no candidates on the ballot for any elective office to be filled, or if a voter desires to vote for some person other than the candidate or candidates appearing on the ballot, he may do so by writing in the name of the person for whom he wishes to vote, or supplying the name by sticker, and by placing a cross (X) or check mark (✓) in the square at the right of the name so written in or supplied by sticker. Ballots shall be so prepared by the town clerk as to provide as many blank spaces, below the printed names, in each classification as there are offices to be filled.

If any person whose name has been so supplied on the ballot receives the largest number of votes cast for such office, or the next highest, if 2 vacancies, or the 3rd highest, if 3 vacancies, and so on, he shall be deemed elected, provided he bears the qualifications specified in section 1 hereof. If he does not bear such qualifications, then the person receiving the largest number of votes who does bear such qualifications shall be deemed elected.

ARTICLE VII

Conduct of Elections

Sec. 1. National and state. All meetings for the election of national,

state and county officers shall be notified, warned and conducted in the manner provided by the constitution and general law of the state.

Sec. 2. Polling place. The board of selectmen shall designate the polling place for each election in the notice or warrant therefor.

Sec. 3. Supervision of elections. The board of selectmen shall have complete charge and supervision of, and shall be responsible for, the proper conduct of all elections, and in the discharge of such duty shall be governed by and shall comply with all pertinent provisions of the constitution and general law of the state, this act and the bylaws of the town.

Sec. 4. Municipal elections. Meetings for the election of municipal officers shall be notified and warned as directed in Article V of this act, and they shall be conducted in accordance with the several provisions in this act relating thereto. All matters of procedure for which no provision is made herein shall be governed by the general law of the state.

ARTICLE VIII

Board of Selectmen

Sec. 1. Composition and tenure. The board of selectmen shall consist of 5 members, each elected for a term of 3 years. Two of such members shall be elected in each of 2 succeeding years, and 1 the 3rd year, and each shall serve until his successor has been elected and has qualified.

Sec. 2. Powers and duties. The board of selectmen shall be and is hereby charged with the responsibility for the proper administration of the fiscal, prudential and municipal affairs of the town and the government thereof, except the school, police and fire departments, and except as otherwise provided by this act. Unless clearly authorized to do so by this act, the bylaws, the general law or by specific action of the voters in town meeting, the board shall take no action which commits the town beyond the date of the next annual organization meeting of the board.

The board shall have general supervisory control over the affairs of the town, and over all departments of the town government, except the school, police and fire departments.

The board shall be and is hereby constituted the municipal officers of the town of Rumford for all purposes required by general law, and except as otherwise specifically provided herein, shall have all the powers and authority granted to, and shall perform all the duties imposed upon the municipal officers of a town under the general law of the state.

The board shall be and is hereby constituted the overseers of the poor,

and shall perform all duties required of such overseers by statute or otherwise. As such overseers, the board may act through an authorized clerk or agent whom they may authorize to sign in their names, and to send any and all written notices and answers required by law to be signed and sent by such overseers.

Sec. 3. Chairman. The chairman of the board, to be elected as herein-after provided, shall be the titular head of the town government, and he or a representative by him designated shall represent the town at public functions and ceremonies. The chairman shall preside at all meetings of the board and may vote on all matters coming before such meetings.

Sec. 4. Meetings. At the adjournment of the annual town election meeting, the newly elected members of the board shall forthwith qualify by taking the oath of office, and immediately thereafter the board shall hold its annual organization meeting. At such meeting shall be chosen a chairman and a vice-chairman.

Regular meetings of the board shall be held at such times as established by the bylaws. Special meetings shall be called as provided by the bylaws. At all meetings of the board 3 members shall constitute a quorum. If a quorum be not present, those members present shall adjourn the meeting to a stated time and shall cause the absent members to be notified thereof.

Sec. 5. Procedure. The board shall act and express itself officially as a unit by means of majority votes of those members present in regular or special meetings and such votes shall be recorded. Except as otherwise provided by this act, the bylaws of the town or the general law, the actions, instructions or opinions of individual members shall have no force or effect. No member of the board shall by any manner attempt to influence the town manager, or any other officer or board having exclusive appointive powers, in the appointment of officers, agents or employees. Except for purposes of inquiry and investigation, which shall be authorized by the board as a unit, the board shall deal with department heads and administrative services only through the town manager. Neither the board nor any of its members shall give orders to the subordinates of the town manager, or to department heads or their subordinates, in public or in private.

ARTICLE IX

Board of Assessors

Sec. 1. Composition and tenure. The board of assessors shall consist of 3 members, each elected for a term of 3 years. One member shall be

elected each year, and shall serve until his successor has been elected and has qualified.

Sec. 2. Powers and duties. The assessors so elected shall exercise such powers and be subject to such duties and responsibilities as are or may be provided by the general law of the state, by this act, and by the bylaws of the town.

Sec. 3. Organization. At the adjournment of the annual town election meeting, the newly elected member or members of the board shall forthwith qualify by taking the oath of office, and the board shall immediately thereafter hold its annual organization meeting at which it shall choose a chairman and a secretary. The chairman shall preside over meetings of the board, shall act as administrative head thereof, and shall perform such other duties as are customarily performed by a chairman. The secretary shall keep or cause to be kept accurate and complete records of all transactions of the board.

ARTICLE X

School Committee

Sec. 1. Composition and tenure. The school committee shall consist of 5 members, each elected for a term of 3 years. Two of such members shall be elected in each of 2 succeeding years, and 1 the 3rd year, and each shall serve until his successor has been elected and has qualified.

Sec. 2. Powers and duties. The committee so elected shall exercise such powers and be subject to such duties and responsibilities as are or may be provided by the general law of the state, by this act and by the bylaws of the town.

Sec. 3. Organization. The chairman of the committee, to be elected as hereinafter provided, shall be the titular head of the school department. He shall preside at all meetings of the committee and may vote on all matters coming before such meetings. The superintendent, ex officio, shall act as secretary of the committee. In connection with its procedure as a member of a school supervisory union, under the provisions of the general law, only 3 members of the school committee shall act as members of the joint committee of the union, which 3 members shall be the chairman and 2 others by it elected for that purpose.

Sec. 4. Meetings. At the adjournment of the annual town election meeting, the newly elected member or members of the committee shall forthwith qualify by taking the oath of office, and the committee shall im-

mediately thereafter hold its annual organization meeting at which it shall choose a chairman and a vice-chairman.

Regular meetings of the committee shall be held at such times as may be established by the bylaws. Special meetings shall be called by the chairman with such notice thereof to the members as they shall have previously determined by vote.

At all meetings of the committee 3 members shall constitute a quorum. If a quorum be not present, those members present shall adjourn the meeting to a stated time and shall cause the absent members to be notified thereof.

Sec. 5. Procedure. The committee shall act and express itself officially as a unit by means of majority votes of those members present in regular or special meetings and such votes shall be recorded. The superintendent of schools shall be the executive and administrative agent of the committee. Except as otherwise provided by this act, the bylaws of the town or the general law, the actions, instructions or opinions of individual members of the committee shall have no force or effect. Except for purposes of investigation and inquiry, which shall be authorized by the committee as a unit, the committee shall deal with all subordinates, agents and employees of the school department, including teachers, only through the superintendent.

ARTICLE XI

Treasurer, Clerk and Tax Collector

Sec. 1. Tenure. The town treasurer, the town clerk and the tax collector shall each be elected annually for a term of 1 year, and each shall serve until his successor has been elected and has qualified.

Sec. 2. Powers and duties. Each of said officers, in addition to such powers and duties as are conferred and imposed upon him by this act and by the bylaws of the town, shall perform all of the duties and shall be invested with all of the rights and powers as are established or as may be established for his respective office by the general law of the state. In addition thereto, the tax collector, by virtue of his office, shall be a constable of the town and shall be invested with all powers and subject to all duties and obligations of an elected constable.

ARTICLE XII

Moderator

Sec. 1. Election and tenure. The moderator shall be elected by the

qualified voters of the town at the opening of the annual meeting. He shall forthwith qualify by taking the oath of office. He shall hold office for 1 year.

Sec. 2. Powers and duties. The moderator shall preside over the annual meeting and over any special meetings held during his term of office. In the event he is unable to attend a special meeting, he shall appoint a substitute to preside over such meeting; and if he fails to do so, the voters shall elect a moderator pro tem for such meeting.

The moderator shall nominate candidates for appointment to the finance committee, as provided by Article XIV of this act, and shall perform all other duties of him required by this act, by the bylaws of the town and the general law of the state.

In the performance of his duties, the moderator shall have and exercise all rights and powers conferred upon a moderator by the general law of the state, except as limited by the provisions of Article V, section 3, of this act.

ARTICLE XIII

Time and Effective Date of Appointments

Sec. 1. Time of appointments. Appointments of all officials and members of the boards, committees and commissions listed in Article II of this act, shall be made by the appointive power not later than the 2nd Thursday of March, except that the appointment of a town auditor by the finance committee and a town solicitor by the town manager shall be made not later than the 2nd Tuesday of April.

Sec. 2. Effective date of appointments. The terms of the members appointed to the finance committee, the public service commission, the park commission, the board of library trustees, and of the town manager, shall commence on the 3rd Thursday of March, on or before which time they shall qualify by taking the oath of office. The terms of the auditor and solicitor shall commence on the 3rd Tuesday of April, on or before which each shall qualify by taking the oath of office.

Sec. 3. Miscellaneous appointments. Such other appointments as may be made under authority of Article II, section 3, of this act shall be made for such term as the appointive power shall determine, except that in no event shall the term extend beyond the 3rd Thursday of March, following.

Sec. 4. Specially authorized appointments. All powers of appointment devolving upon any officers, boards or commissions of the town government

by virtue of general or special laws shall be exercised in accordance with the terms and provisions of such authority.

ARTICLE XIV

Finance Committee

Sec. 1. Composition and tenure. The finance committee shall consist of 15 members, each of whom shall be appointed by the board of selectmen as hereinafter provided, for a term of 3 years. 5 members shall be appointed each year.

Sec. 2. Nominations. The nomination of candidates for appointment to the finance committee shall be made by the moderator. Annually, within 14 days from final adjournment of the annual meeting, he shall nominate not less than 12 persons as candidates for appointment to the committee, each of whom he shall first have ascertained to be eligible and willing to serve. From the nominations so made, the board of selectmen shall make the annual appointments. Any interim vacancies in the membership of the committee shall also be filled from the current list of nominations. If at any time the current list of candidates shall fall below 5 for any reason, the moderator, upon notice thereof, shall forthwith submit the necessary nominations to bring the current list to that number.

Sec. 3. Suggestions for nominations. Any qualified voter of the town shall have the right to make suggestions to the moderator for such nominations, which shall be submitted in writing to the town clerk for transmittal to the moderator. Such suggestions shall give the full name, address and occupation of the person suggested, and his qualifications, and shall give the name and address of, and shall be signed by, the person submitting the same. The moderator shall give due consideration to such suggestions.

Sec. 4. Powers and duties. The finance committee shall have such powers and duties as may be granted and imposed by the provisions of this act and of the bylaws of the town.

Sec. 5. Organization. The members of the committee shall meet on the last Thursday of March at 7:30 o'clock in the afternoon and elect from their membership a chairman, a vice-chairman and a secretary. The chairman shall preside over all meetings of the committee, shall act as its executive and administrative head, and shall perform such other duties as are customarily performed, by a chairman. The secretary shall keep or cause to be kept accurate and complete records of the doings and determinations of the committee.

Sec. 6. Meetings. Regular meetings of the committee shall be held in accordance with the provisions of the bylaws. Special meetings, when necessary, shall be called by the chairman and such notice thereof shall be given to the members as they shall have previously determined by vote.

Sec. 7. Quorum. At all meetings, regular or special, 8 members shall constitute a quorum. If a quorum be not present, those members present shall adjourn the meeting to a stated time and shall cause the absent members to be notified thereof.

ARTICLE XV

Public Service Commission

Park Commission

Board of Library Trustees

Sec. 1. Composition and tenure. The public service commission, the park commission and the board of library trustees shall each consist of 5 members appointed by the board of selectmen for a term of 3 years. Two members of each shall be appointed in each of 2 succeeding years, and 1 of each the 3rd year, and each shall serve until his successor has been appointed and has qualified.

Sec. 2. Powers and duties. Each of said commissions and board shall have such powers and duties as may be granted and imposed by the bylaws of the town.

Sec. 3. Organization. The members of each of said commissions and board shall meet on the last Thursday in March, annually, at 7:30 o'clock in the afternoon, and each shall elect from its membership a chairman, a vice-chairman and a secretary, who shall perform the duties usually performed by such officers.

Sec. 4. Meetings. Regular meetings of said commissions and board shall be held as provided by the bylaws of the town. Special meetings shall be called, when necessary, by the chairman and such notice thereof shall be given the members as they shall previously have determined by vote.

Sec. 5. Quorum. At all meetings, regular, or special, 3 members shall constitute a quorum. If a quorum be not present, those members present shall adjourn the meeting to a stated time and shall cause the absent members to be notified thereof.

Sec. 6. Procedure. Each of the commissions and board herein re-

ferred to shall act and express itself officially as a unit by means of majority votes of those members present in regular or special meetings, and such votes shall be recorded. Except as otherwise provided by this act, by the bylaws of the town or by the general law, the actions, instructions and opinions of the individual members shall have no force or effect. Other than for purpose of investigation or inquiry authorized by a majority vote of the members, each commission and board shall deal with its subordinates, agents and employees, and with other departments of the town, only through its chairman or acting chairman.

ARTICLE XVI

Town Auditor

Sec. 1. Appointment and tenure. The town auditor shall be appointed by the finance committee in accordance with the provisions of Article XIII of this act, for a term of 3 years.

Sec. 2. Qualifications. He shall be chosen on the basis of his character, his knowledge of and experience with accepted auditing practice and fiscal operations of municipal corporations.

Sec. 3. Powers and duties. The auditor shall have such powers and duties as may be granted and imposed by the bylaws of the town.

ARTICLE XVII

Town Solicitor

Sec. 1. Appointment and tenure. The town solicitor shall be appointed for a term of 1 year by the town manager, with the approval of the board of selectmen, which appointment shall be made in accordance with Article XIII of this act.

Sec. 2. Qualifications. The solicitor shall be an attorney-at-law, duly licensed to practice as such under the laws of Maine.

Sec. 3. Powers and duties. The solicitor shall have such powers and duties as are granted and imposed upon him by the provisions of this act and by the bylaws of the town, and shall render such other services as may be requested of him by the town manager.

ARTICLE XVIII

Town Manager

Sec. 1. Appointment and tenure. The town manager shall be appointed by the board of selectmen, no later than the 2nd Thursday in March, in such years as a vacancy exists, to serve until the next annual organization meet-

ing of the board of selectmen; provided that if such action be considered advisable, the board of selectmen shall have the power to execute with any town manager, after he shall have served in such capacity for 1 year, a contract of employment for a period not to exceed 3 years. Any such contract shall be drawn, however, so as to expire on the date of an annual or organization meeting of the board of selectmen.

Sec. 2. Qualifications. No person shall be appointed town manager unless he presents an acceptable record of previous training or experience in the administration of municipal affairs; he is an American citizen of unquestioned allegiance; he is of voting age, and he is mentally, physically and temperamentally fitted to actively perform the duties of the office and available for full time service. He need not be, at the time of his appointment, a resident of the town or of the state.

Sec. 3. Powers and duties. The town manager shall be the chief executive officer and the administrative head of the town government. Subject to the provisions of this act and the bylaws of the town, he shall be responsible to the board of selectmen, as its agent, for the proper administration of the affairs of the town which fall within his jurisdiction, in conformance with the policies of the board as recorded in its meetings. In the performance of these functions, he is hereby specifically charged with the following duties:

- (1) To appoint, prescribe the duties of and remove all employees of the town who are under his jurisdiction.
- (2) To inform and keep the board currently advised of the financial condition of the town, and of its current and future needs; to prepare and present, when pertinent, tolerably accurate estimates of costs and factual information; and from time to time to make such recommendations to the board as he may deem necessary and helpful.
- (3) To attend all meetings of the board and act as its secretary, except at such times as his own employment may be under consideration.
- (4) To exercise general supervision, direction and control over the affairs of the town, excepting the school, police and fire departments, and subject to such limitations as are contained in this act or in the bylaws of the town, and to coordinate the activities of all departments and officials so far as may be possible.
- (5) To act as a channel through which communications, recommendations, complaints, requests for legal opinions and guidance, and general

information shall pass to, from and between the board of selectmen and the various departments and officials.

(6) To act as purchasing agent for all departments, boards, commissions and officials, except the school department which he shall serve in such capacity only as the superintendent may request, to the end that the town may obtain the advantages of generally accepted purchasing methods based on standardized specifications, competitive prices and volume purchases. Single items involving the expenditure of \$100 or more shall be handled through competitive bids and on such items final selection shall rest with the board or official making the requisition.

(7) To cause to be prepared by the various departments, agencies, boards, commissions and officials, as soon as may be, a catalog of all town property within the control of each, from which he shall prepare a complete basic inventory of all town property, including real estate, machinery, vehicles, equipment, tools, materials and supplies, all items of which shall be identified, when possible, by description, make, number, model or other distinguishing label, which said inventory, when completed, shall be filed with the town clerk, and thereafter to cause the same to be revised and adjusted in all categories at the end of each fiscal year.

(8) To perform and discharge such other functions and duties as may be prescribed by this act, by the bylaws of the town or as may be assigned to him from time to time by the board of selectmen.

ARTICLE XIX

Business and Financial Provisions

Sec. 1. Temporary loans. The board of selectmen is hereby empowered and authorized to borrow money, when needed, in anticipation of receipts from taxes during any fiscal year, and to issue therefor a note or notes of the town, and to renew the same from time to time; provided, however, that the aggregate amount so borrowed in any fiscal year shall not exceed 80% of the total property tax levy of the preceding fiscal year, and the note or notes so issued and any renewals thereof shall be drawn so as to mature within, and shall be paid within, the fiscal year of issue out of receipts from taxes during such year.

The provisions of this section shall not be construed to limit, in any way, the power granted by general law to borrow money for purposes other than the tax anticipation.

Sec. 2. Competitive bids. All loans effected under the authority of the preceding section shall be obtained on competitive bids solicited either by

newspaper advertisement or by informal request, as the board of selectmen may determine in each instance; provided, however, that if the latter method of solicitation be used, requests for bids shall be made to at least 3 established loaning agencies. From bids so obtained, the board shall accept the bid which under all aspects and circumstances appears to be the most advantageous to the town.

Sec. 3. Treasurer to advise. The town treasurer shall attend any meeting of the board at which the matter of temporary loans is to be given consideration, or competitive bids therefor to be examined, and advise with with the board in relation thereto.

Sec. 4. Execution of notes. Notes issued under authority of section 1 hereof shall be executed for and in the name of the town by a majority of the board of selectmen, and shall be countersigned by the treasurer.

Sec. 5. Bonds of officers. The board of selectmen shall require a corporate surety bond, in such sum as it may determine, and with such surety as it deems satisfactory, from the tax collector, the town treasurer, the town clerk, the town manager and any other officials, agents or employees of the town as it may deem expedient. Premiums on such bonds shall be paid by the town.

Sec. 6. Disbursement of funds. No money shall be paid out of the town treasury except by order signed by at least a majority of the board of selectmen.

ARTICLE XX

Vacancies and Forfeitures of Office

Sec. 1. Vacancies in elective offices. In the event a vacancy occurs in any elective office more than 90 days prior to the next annual town meeting, the board of selectmen shall cause to be called, forthwith, a special town meeting to fill such vacancy.

If a single vacancy occurs in the membership of any elective board not more than 90 days prior to the next annual town meeting, the office shall not be filled until the annual meeting in the usual course.

If a vacancy occurs in the office of clerk, treasurer or tax collector not more than 90 days prior to the next annual town meeting, the town manager shall immediately assume the duties of such office and discharge the same for the remainder of the term.

If a vacancy, as described in the preceding paragraph occurs more than 90 days prior to the next annual town meeting, the town manager shall

immediately assume and discharge the duties of such office until the vacancy has been filled by the voters at a special town meeting.

Should the incumbent of the offices of clerk, treasurer or tax collector become incapacitated during his term of office, the town manager, when directed by the board of selectmen, shall assume and discharge the duties of such office during the time of such incapacity.

In any of the contingencies specified in the 3 preceding paragraphs, the town manager shall have all the powers, duties and obligations of the office temporarily filled by him as if he were elected to such office.

Sec. 2. Vacancies in appointive offices. Vacancies which occur in the membership of the finance committee shall be filled by the board of selectmen in accordance with the provisions of Article XIV, section 2, of this act.

All other vacancies in appointive boards or offices shall be filled by the same procedure as provided for the original appointment. In the event the term to be filled is of short duration, the appointive power shall exercise its discretion as to whether or not an interim appointment need be made.

Sec. 3. Forfeitures. Any town official or member of any board or commission, whether elected or appointed, shall forfeit his office if for 3 consecutive months he is actually resident outside the town of Rumford. The board of selectmen, in such instances, shall investigate the facts and if they find an office to be forfeited under the provisions of this section, they shall declare a vacancy to exist, and such vacancy shall then be filled as provided in sections 1 and 2 of this article.

ARTICLE XXI

Pensions, Police and Fire Departments

Sec. 1. Retirement age. Each member, including the chiefs, of the police and fire departments of the town, who, when he attains the age of 65 years, is employed on a full-time basis and has served at least 25 years on a full-time basis, or 20 years on a full-time basis and 5 years on a part-time basis in his department, shall be retired at that age with pay as provided in section 3 of this article, unless prior to that time the town shall have made provision for inclusion of said departments in the State Employees Retirement System and the member in question shall have become a participant thereunder. If and when the town makes provision for inclusion of said departments in the State Employees Retirement System, the provisions of this section shall have no application to persons who be-

come members of either of said departments after the effective date of such inclusion.

Sec. 2. Permanent disability. Any member, including the chiefs of the police and fire departments, employed on a full-time basis and who has served at least 1 year continuously in his department, who receives bodily injury arising out of and in the course of his employment which, in the opinion of the public service commission, permanently disables him from performing a substantial portion of his usual duties, shall be retired with pay, as provided in section 3 of this article. Provided, however, that where such injury results under circumstances creating liability to pay damages therefor in some person, firm or corporation other than the town, or under circumstances where such person, firm or corporation was actually paying for the services of such member in connection with special duty relating to a private enterprise, then the right of the member to receive retirement pay shall be subject to the assignment by him to the town of his right of action against any and all such persons, firms or corporations. If the town recovers damages against or obtains a settlement from such persons, firms or corporations, the member shall be reimbursed therefrom for all hospital, nursing and medical expenses which he paid or became liable to pay on account of such injury, and the balance of such recovery shall be paid over to the town treasurer.

Sec. 3. Payment on retirement. Any member retired under the provisions of sections 1 and 2 of this article shall receive for life, subject to the proviso of section 2, as retirement pay, $\frac{1}{2}$ of the regular weekly compensation to which he was entitled at the time of his retirement.

Sec. 4. Credit for service. All members of the police and fire departments of the Rumford Falls Village Corporation shall receive full credit, under the retirement provisions of this article, for all time heretofore served in their respective departments as employees of the Rumford Falls Village Corporation.

ARTICLE XXII

Miscellaneous Provisions

Sec. 1. Oath of office. All town officers, elected or appointed, before entering upon the performance of their official duties shall be sworn by the town clerk, a notary public or justice of the peace, to the faithful performance of their duties, and such oath shall be subscribed to and filed in the office of the clerk.

Sec. 2. Duplication in officers. No town official, either elected or ap-

pointed, shall hold more than 1 town office at a time, except that the offices of clerk and treasurer may be held concurrently by the same person, and except as otherwise provided by Article XX, section 1, of this act.

Sec. 3. Authority of policemen and firemen. Police officers appointed by the public service commission, under authority granted by the bylaws of the town, shall have, within the territorial limits of the town, all the powers of a constable in criminal matters and all other powers which may be granted to police officers under the general law of the state and under the bylaws of the town.

The chief and members of the fire department, so appointed by the public service commission, shall have, within the territorial limits of the town, all the powers granted to such officers under the general law of the state and by the bylaws of the town.

Sec. 4. Compensation of officers. The compensation of those elected and appointed officers of the town established under Article II hereof shall be determined, annually, by the voters at the annual business meeting.

Sec. 5. Saving clause. All rights, actions, proceedings, prosecutions and contracts of the town or any of its departments, pending or unexecuted when this act becomes effective, and not inconsistent herewith, shall be enforced, continued or completed in all respects as though originating, begun or executed hereunder.

ARTICLE XXIII

Succession in Government

Sec. 1. Elective officers; succession. All elected officers and officials of the existing government of the town of Rumford shall continue to serve in their respective capacities, under this act, until they shall have completed the terms for which they were elected and until their successors have been elected and qualified.

Sec. 2. Elective officers; rotation. The rotation in the election of members of the board of selectmen, as provided for in Article VIII of this act, and of members of the school committee, as provided in Article X of this act, shall yield to and be governed by the sequence of vacancies resulting from the provisions of section 1 of this article.

Sec. 3. Appointive officers; succession. All appointive officers and officials of the existing government of the town of Rumford shall continue to serve in their respective capacities, under this act, until they shall have completed the terms for which they were appointed and until their successors have been chosen and qualified; provided, however, and excepting that:

(a) The members of the committee of 15 under the existing government of the town shall be members of the finance committee created under Article XIV of this act ;

(b) The members of the public safety commission of the Rumford Falls Village Corporation, as created by private and special laws, 1945, chapter 119, shall be members of the public service commission created under Article XV of this act. The member whose unexpired term is the shortest shall serve until the 3rd Thursday of March, 1953, and the other 2 members shall serve until the same day, 1954. They, with 2 members to be appointed in 1952, shall constitute the original public service commission ;

(c) The terms of those members of the park commission and of the board of library trustees serving under the existing government shall, for the purposes of this act, be altered so that in each case the terms which would otherwise expire in 1953 and 1954 shall be reduced by 1 year, and the terms which would otherwise expire in 1955 and 1956 shall be reduced by 2 years.

Sec. 4. Appointive officers; rotation. The rotation in the appointment of members of the various boards, commissions and committees, as elsewhere provided in this act, shall yield to and be governed by the sequence of vacancies resulting from the provisions of section 3 of this article.

ARTICLE XXIV

Liabilities Assumed

Sec. 1. Liabilities of Rumford Falls Village Corporation. Subject to the provisions of section 2 hereof, all valid contracts, obligations and liabilities of the Rumford Falls Village Corporation, of whatever nature, existing on the 4th day of February, 1952, shall be assumed, executed and discharged by the town of Rumford, the defense of all legal proceedings then pending against said Rumford Falls Village Corporation shall be taken over by the town of Rumford, and any legal proceedings thereafter brought on any contracts, obligations or undertakings of said Rumford Falls Village Corporation may be brought against the town of Rumford as if originally the same had been contracts, obligations or undertakings of the town of Rumford.

Sec. 2. Provisional application. The provisions of section 1 hereof shall become effective only in the event that the voters of the Rumford Falls Village Corporation, at a referendum election to be held on the 9th day of October, 1951, shall vote to accept the provisions of an act passed

by the 95th legislature entitled "An Act to Repeal the Act Creating the Rumford Falls Village Corporation."

ARTICLE XXV

Referendum; Effective Date; Repealing Clause

Sec. 1. Referendum. This act shall take effect 90 days after the adjournment of this legislature only for the purpose of its submission to the qualified voters of the town of Rumford at a special meeting to be held on the 9th day of October, 1951. Such meeting shall be called for that purpose by an appropriate article inserted in the call for such meeting, and such meeting shall be called, advertised and conducted in accordance with the existing charter of the town of Rumford and the general law. The town clerk shall prepare the ballot for such election and shall reduce the subject matter of this act to the following question: "Shall 'An Act to Provide for a Town Manager Form of Government for the Town of Rumford,' passed by the 95th legislature, be accepted?" The voters shall indicate their vote by placing a cross or check mark in 1 of 2 squares designated by the words "Yes" and "No." Otherwise said ballot shall be in form provided by law when a constitutional amendment is submitted to the vote of the people. This vote shall be by Australian ballot and a check list shall be used. If a majority of the valid ballots deposited at such election are in favor of the acceptance of this act, it shall become operative as provided in section 2 hereof. The result of said vote shall be declared by the municipal officers and a certificate thereof filed by the town clerk with the secretary of state.

Sec. 2. Effective date. If this act be accepted by the voters, as provided in section 1 hereof, it shall become fully effective on the 4th day of February, 1952; provided, however, that after such acceptance by the voters it shall be effective as to the procedure relating to the nomination and election of officers hereunder, relating to the preparation of the warrant for the 1st annual meeting hereunder, and relating to the method of calling the 1st annual meeting hereunder.

Sec. 3. P. & S. L., 1935, c. 48, repealed. Chapter 48 of the private and special laws of 1935, being "An Act to Provide a Manager Form of Government for the Town of Rumford" and all acts amendatory thereof and additional thereto, and all acts or parts of acts inconsistent herewith, in so far as they relate to the town of Rumford in the county of Oxford, are hereby repealed.