

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. 703

H. P. 1116

House of Representatives, February 14, 1951.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Burgess of Limestone.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

**AN ACT to Create a Town Council-Manager Form of Government for the
Town of Limestone.**

Emergency preamble. The annual town meeting of the town of Limestone will be held in March, 1951; and

Whereas, the population of the town is increasing at such a rate that a town council-manager form of government appears to be for the best interests of the health and welfare of the citizens of the town of Limestone; and

Whereas, it is vitally necessary that this matter be acted upon at the annual town meeting in March, 1951; and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning 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. Town meetings. The regular annual town meeting of the inhabitants of the town of Limestone in the county of Aroostook shall be held

in the month of March each year. Special town meetings may be called by a majority of the town councillors or as provided in the revised statutes of 1944 and amendments thereto. Calls for all town meetings shall be as provided in said statutes.

Sec 2. Election of officers by town meeting. At such annual town meetings the voters of said town of Limestone shall elect as hereinafter provided, the following officers:

1. A moderator for said meeting.
2. A town clerk to serve for the ensuing year.
3. Town councillors as herein provided. At the first annual town meeting after the adoption of this act 5 councillors shall be elected, 2 of whom shall serve for a term of 1 year, 2 for 2 years, and 1 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.
4. At the first annual town meeting after the adoption of this act a budget committee of 15 members shall be elected, 5 of whom shall serve for a term of 1 year, 5 for 2 years and 5 for 3 years. At subsequent annual town meetings 5 members of the budget committee shall be elected to serve for a term of 3 years.
5. One member of the superintending school committee to serve for a term of 3 years. In the event the voters increase the number of members of the superintending school committee as provided for in section 5 of this act, the additional members shall first be elected for such term of years as may be determined by the voters. At subsequent annual town meetings as many members of the superintending school committee shall be elected as are needed as to bring the number up to the required number, each to serve for a term of 3 years. No more than 3 members of said committee shall serve as members of the joint school committee. The chairman of said local committee shall be a member of the joint school committee, and the other 2 members of the joint school committee shall be elected by the majority vote of the members of the local school committee.
6. One member of the public library committee to serve for a term of 3 years.

Sec. 3. Organization of town council and election of officers.

(a) The town council elected as herein provided shall meet within 1 week after the annual town meeting and organize by electing by written ballot and by majority vote of the whole membership one of its members as chairman, and the clerk of the town shall be ex officio the secretary of the council. If the said town clerk fails to act the council can elect anyone qualified to said office.

(b) Within a reasonable time after the adjournment of the annual town meeting the town council shall elect by written ballot by a majority vote of the whole membership the following officers:

1. A town treasurer to serve for the ensuing year, who may at his option appoint a deputy town treasurer, subject to the approval of the town council. The town manager may be deputy treasurer.
2. An auditor to serve for the ensuing year.
3. Tax collector who shall serve as provided for under the revised statutes of 1944 and amendments thereto. The town manager may be tax collector if the council so elects.
4. Three or 5 assessors at the option of the town council who shall serve for the ensuing year and who shall be elected from the membership of the town council.
5. Any other necessary committees or boards.

(c) Within a reasonable time after the adjournment of the first annual town meeting held after the adoption of this act the town council shall elect by written ballot by a majority vote of the whole membership a town manager for not more than 3 years. When a vacancy occurs in the office of town manager the town council may by the method above provided elect a successor for not more than 3 years.

Sec. 4. Vacancies in office. In the case of the death, resignation, removal from the town of Limestone or incapacity of any of the officers elected as provided in sections 2 and 3, except the town manager, the town council shall elect a successor or successors to serve for the remainder of the town year.

Sec. 5. Numbers of boards and committees. There shall be in all 5 town councillors, not less than 3 nor more than 7 members of the superintending school committee, 3 members of the public library committee, and 15 members of the budget committee. Members of these boards and committees whose terms have not expired on the effective date of this act shall

continue to serve until the expiration of their term. In case of vacancies in any of these offices at an annual meeting of the body which has the power to elect said offices as provided for by sections 2 and 3, their successors shall be elected to fill only the unexpired term.

Sec. 6. Officers appointed by town manager. The town manager shall, with the consent and approval of the town council, appoint the following officers:

1. Chief of police.
2. Chief of fire department.
3. Health officer whose appointment shall be subject to approval of the state department of health and welfare as provided in the revised statutes of 1944 and amendments thereto.
4. Sealer of weights and measures.
5. Constables.
6. All other necessary town officers, excepting plumbing inspectors, who shall be appointed as provided in the revised statutes of 1944 and amendments thereto.

Such officers shall hold office for the remainder of the town year during which they are appointed or until their removal by the town manager, with the consent and approval of the council.

Sec. 7. Removal of town manager. The town council may by a majority vote of the whole membership remove the town manager at any regularly called meeting whenever in its opinion it would be for the best interests of the town.

Sec. 8. Affidavit of council officers; duties of the secretary. Within 48 hours after the adjournment of the organization meeting of the town council, an affidavit of the choice of chairman and secretary of the council, signed by a majority of the council, shall be recorded by the town clerk in the records of the town. The secretary shall keep an accurate record of all the meetings of the council. Said records shall be public and open during business hours for inspection by the public.

Sec. 9. Oath of officers; duration of office. All elected and appointed officers of the town shall be sworn in by the town clerk, a justice of the peace or notary public, or by the moderator before the town meeting adjourns. The moderator can also be sworn in by the officer presiding when he is elected.

All officers shall continue in office until their successors are elected or appointed, and qualified.

Sec. 10. Salaries of officers. The salaries of the town councillors and those councillors elected to act as assessors shall be determined at the annual town meeting. The salaries of all other officers and employees shall be determined by the town council.

Sec. 11. Assistant assessors. The town council shall have the power to employ one or more persons to perform the routine duties of the assessors; provided, however, that the determination of all valuations must be made by the assessors.

Sec. 12. Duties of councillors.

(a) The town council shall hold regular meetings at least once every month, on such days of the month, time and place as shall be decided by the town council at its organization meeting. Special meetings may be called by the chairman or by a majority of the council, after due notice to all members. At all meetings 3 shall constitute a quorum.

(b) The town councillors shall be overseers of the poor, assessors as above provided, perform all duties of selectmen as required by the revised statutes of 1944 and amendments thereto, and be subject to the same duties in these capacities as are set forth under said statutes unless otherwise provided herein. The town councillors shall be charged with the responsibility of the administration of the town's affairs and shall act as a unit according to the majority expression of the board.

(c) The town council shall pass such municipal ordinances as they think necessary and proper, governed by the authority which towns have to enact ordinances under the revised statutes of 1944 and amendments thereto.

Sec. 13. Duties of the budget committee. The budget committee shall prepare a proposed budget of town appropriations and expenditures and present it at the annual town meeting together with recommendations.

Sec. 14. Town manager, qualification and duties.

(a) The town manager shall be chosen by the town council on the basis of his executive and administrative qualifications and his technical knowledge of municipal management and his integrity of character. He need not be a resident of the town of Limestone nor of the state of Maine, but shall be a citizen of the United States.

(b) The town manager shall be the administrative and executive head of the town government and shall be responsible solely to the town council for the administration of all departments of the town over which the town council, under this act and under the revised statutes of 1944 and amendments thereto, has control, shall devote his entire time to his office, shall be paid monthly, and his powers and duties, where not otherwise herein provided, shall be generally as follows:

1. To see that the laws and ordinances are enforced.
2. To exercise control over all departments created herein or that may hereafter be created, either by general law or ordinance.
3. To attend the meetings of the town council, except when his removal is under consideration, and recommend for adoption such measures as he may deem expedient.
4. To keep the town council fully advised as to the business, financial condition and future needs of the town.
5. To perform such other duties as may be prescribed by the town council.
6. To act as superintendent of roads, streets, bridges and buildings, with the exception of those buildings coming under the school department, and the public library.
7. To act as purchasing agent of said town and to purchase all supplies and materials for the town and for the several departments, with the exception of the school department and public library. All accounts for the purchase of supplies and materials and work performed for said town, with the exception of accounts for the purpose of supplies and materials and work for the school department and public library, shall bear the approval of the town manager when presented to the town council for payment. Provided, however, that no single contract of purchase, the price of which exceeds \$200 shall be purchased by the town manager without the previous approval of the council, and he shall, if the town council so directs, receive and submit to the board for decision competitive bids on orders exceeding this amount.
8. To perform such duties of the overseers of the poor as the council may direct. The town manager may sign and send written notices and written acceptances referred to in sections 29 and 30 of chapter 82 of the revised statutes of 1944 and amendments thereto. Such written notice and written acceptance shall have the same effect as if signed and sent by the overseers of the poor.

Sec. 15. Money expended. No money shall be paid out of the town treasury except by order issued and signed by a majority of the town councillors, or their authorized representative, and presented to the treasury for payment.

Sec. 16. Bonds of officials. The town council shall require a bond by a reputable surety company satisfactory to said town council, 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 officials as they may deem advisable; provided, however, that the town shall pay the costs of providing said bond.

Sec. 17. Construction of this act. If any part of this act shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the act. The provisions of this act shall supersede all laws and ordinances not consistent herewith, insofar as the town of Limestone in the county of Aroostook is affected thereby. Any other town officers and any other requirements for conducting the affairs of the town, not specifically provided for herein, shall be continued in the same manner as at present, or may hereafter be provided for under the general statutes.

Sec. 18. Secret ballot. At election of officers at the annual town meeting, except that of moderator and budget committee, who shall be elected in open town meeting by written ballot, the method of voting shall be that set forth in sections 48 to 60, inclusive, of chapter 80 of the revised statutes of 1944. However, each time the word selectman appears in said sections, for the purpose of this act, it shall be construed to mean members of the Limestone town council.

It shall not be necessary, as provided by section 59 of chapter 80 of the revised statutes, that the moderator be elected before balloting commences for other officers. However, all balloting must be completed before other business is taken up by the annual town meeting.

Any person who has qualified as a candidate under section 49 of chapter 80 of the revised statutes cannot be disqualified under the provisions of section 51 of chapter 80 of the revised statutes.

Sec. 19. Limitation. All the bylaws and ordinances of said town of Limestone as now in effect shall continue to be the bylaws and ordinances of the town of Limestone until changed hereunder.

Sec. 20. Emergency clause; effective date; referendum. In view of the emergency cited in the preamble, this act shall take effect when approved,

only for the purpose of permitting its submission to the legal voters of the town of Limestone at any regular or special town meeting called and held for the purpose not later than 4 months after the approval of this act. Such special election shall be called, advertised and conducted according to law relating to municipal elections; provided, however, that the selectmen in the town of Limestone shall not be required to prepare for posting nor the town clerk to post a new list of voters, and for the purposes of registration of voters, said selectmen shall be in session 1 hour preceding such election. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to create a Town Council-Manager Form of Government for the town of Limestone, passed by the 95th legislature, be accepted?" and the voters shall indicate by a cross or check mark placed over the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said meeting; provided that the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for governor in said town at the next previous gubernatorial election. The result in said town of Limestone shall be declared by the municipal officers of the town of Limestone and due certificate thereof filed by the town clerk with the secretary of state.