

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1483

H. P. 1044

House of Representatives, April 9, 1957.

Reported by Mr. Quinn from Committee on Legal Affairs and printed under joint rules No. 10.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Amending the Charter of the Town of Lincoln.

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

Sec. 1. P. & S. L., 1939, c. 62, § 2, amended. Section 2 of chapter 62 of the private and special laws of 1939 is hereby amended to read as follows:

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 councilors, and ~~a member or~~ 5 members of the superintending school committee, in accordance with the Revised Statutes of ~~1930~~ 1954 and amendments thereto, a town clerk and a town treasurer and ~~an auditor of accounts.~~

At the ~~1st~~ annual town meeting held ~~under this act in~~ March, 1958, said councillors shall be elected as follows: ~~2 for a term of 1 year, 2 for a term of 2 years, + for a term of 3 years~~ previously, 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, or a special meeting if necessary, for the unexpired term.

At said annual town meeting in 1958, one member of the superintending school committee shall be elected for a term of 3 years, one for a term of 2 years and one for a term of one year; and thereafter the annual vacancies caused by expiration of terms shall be filled for terms of 3 years. It is intended that this act shall in no way affect the present tenure of office of the present members of the superintending school committee.

The council when duly elected and qualified shall annually appoint a tax collector and once in 3 years a health officer subject to the approval of the State Commissioner of Health and Welfare, as now provided by the Revised Statutes of ~~1939~~ 1954 and amendments thereto, ~~and~~ a town manager with duties hereinafter defined **and a deputy town treasurer when necessary.** 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 with approval of a majority of the councillors.'

Sec. 2. P. & S. L., 1939, c. 62, § 3, amended. Section 3 of chapter 62 of the private and special laws of 1939 is hereby amended to read as follows:

'**Sec. 3. Councillors serve as certain officers.** The councillors provided for in section 2 shall serve ~~instead of selectmen~~ as overseers of the poor and assessors of taxes provided for by the Revised Statutes of ~~1939~~ 1954 and amendments thereto, and shall have the same powers and be subject to the same duties. **Assessors shall have the authority to hire a clerk and such professional assistance as is necessary.'**

Sec. 3. P. & S. L., 1939, c. 62, § 6, amended. Section 6 of chapter 62 of the private and special laws of 1939 is hereby amended to read as follows:

'**Sec. 6. Compensation.** Each councillor shall receive ~~\$2~~ \$5 per meeting of said councillors, but not to exceed ~~\$60~~ \$240 per year for said meetings. Councillors shall be reimbursed for ~~his~~ **their** actual and necessary expenses incurred in the performance of ~~his~~ **their** duties.'

Sec. 4. P. & S. L., 1939, c. 62, § 7, amended. Section 7 of chapter 62 of the private and special laws of 1939 is hereby amended to read as follows:

'**Sec. 7. Town manager.** Said councillors shall by ballot, by a majority vote, appoint ~~a tax collector, a health officer and~~ a town manager, said office of town manager being hereby created, who shall not be a member of said board of councillors. Said councillors as overseers of the poor, as herein provided, may authorize the town manager, at the time of his appointment aforesaid, or at any time thereafter, to be clerk or agent for them as said overseers of the poor, to sign and send the written notices and the written answers referred to in sections ~~37~~ 29 and ~~32~~ 30 of chapter ~~33~~ 94 of the Revised Statutes of ~~1939~~ 1954, and acts additional thereto and amendatory thereof, any such written notices and written answers shall have the same effect as if signed and sent by the councillors, as overseers of the poor, themselves. Such town manager shall, on and after his appointment as aforesaid, be the superintendent of roads of said town.'

Sec. 5. P. & S. L., 1939, c. 62, § 8, amended. Section 8 of chapter 62 of the private and special laws of 1939 is hereby amended to read as follows:

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

Sec. 6. P. & S. L., 1939, c. 62, § 9, amended. Section 9 of chapter 62 of the private and special laws of 1939 is hereby amended to read as follows:

'**Sec. 9. Terms of town officers.** All appointed officers and boards shall hold office at the pleasure of the appointing power, except as otherwise provided and

except the health officer, who can be removed only according to the provisions set forth in the Revised Statutes of ~~1939~~ 1954 and amendments thereto, and except the board of assessors as is herein otherwise provided.'

Sec. 7. P. & S. L., 1939, c. 62, § 10, amended. The first paragraph of section 10 of chapter 62 of the private and special laws of 1939 is hereby amended to read as follows :

'The town manager shall be chosen by the councillors solely on the basis of his executive and administrative qualifications ~~and his technical knowledge for road construction~~, and he shall be the administrative head of the town government and shall be responsible to the councillors for the administration of all departments of the town over which the councillors under this act and the Revised Statutes of ~~1939~~ 1954 and amendments thereto, have control, and his powers and duties, where not otherwise herein provided, shall be generally as follows:'

Sec. 8. P. & S. L., 1939, c. 62, § 12, amended. Section 12 of chapter 62 of the private and special laws of 1939 is hereby amended to read as follows :

'**Sec. 12. Salary.** The town manager shall devote his entire time to his said office and shall receive for his services a rate of compensation to be fixed by the councillors, and actual and necessary expenses incurred in the performance of his duties, to be paid by the town treasurer in **weekly or monthly payments on the 1st day of every month.**'

Sec. 9. P. & S. L., 1939, c. 62, § 15, amended. Section 15 of chapter 62 of the private and special laws of 1939 is hereby amended to read as follows :

'**Sec. 15. Payments from treasury limited.** No money shall be paid out of the town ~~treasurer 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.'

Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the town of Lincoln at any election to be held in said town not later than the 2nd Monday of October, 1957, the date to be set by the municipal officers of said town. Warrants shall be issued for such election in the manner now provided for municipal elections, notifying and warning the qualified voters of said town to meet at the polling place in said town, there to cast their ballots for the rejection or approval of this act; the polls to be open in compliance with the general statutes for the holding of state elections. The provisions of law relating to preparation of voting lists for municipal elections shall apply to said election and said election shall in all other respects be conducted as municipal elections in said town are now conducted under the general law. The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall the Act Amending the Charter of the Town of Lincoln, passed by the 98th Legislature, be accepted?" and the voters shall indicate in the usual manner 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 election; provided that the total number of votes cast for and against

the acceptance of this act equals or exceeds 20% of the total vote for all candidates for Governor cast in said town at the next previous gubernatorial election.

The result of the vote shall be declared by the municipal officers of said town and due certificate thereof shall be filed by the town clerk with the Secretary of State.