

AN ACT TO LEGALIZE AND MAKE VALID THE ACTS OF THE TOWN OF FAYETTE

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follow:

Sect. 1. The acts and doings of the Town of Fayette, at its annual meetings held in March, in the years eighteen hundred and ninety, eighteen hundred and ninety-one, eighteen hundred and ninety-two, and eighteen hundred ninety-three, and eighteen hundred and ninety-four in pursuance of the respective warrants, calling said meetings, are hereby made legal and valid, notwithstanding any defect, or omission in any date in said warrants.

Sect. 2. This act shall take effect when approved.

Approved March 20, 1895

Laws of Maine

may appear to them necessary, for the purpose of their electing their first Board of Directors.

And be it further Enacted by the Authority aforesaid, that it shall be the duty of the Directors of said Bank, to transmit to the Governor & Council of this Commonwealth for the time being, once in six months at least, and as much oft[er] as they may require, accurate and just Statements of the amount of the Capital Stock of said Corporation, and of debts due to the same; of the monies deposited therein; of the notes in circulation and of the Cash on hand; which statements shall be signed by the Directors & attested by the Cashier.

And whereas in the Act for incorporating and establishing the Union Bank in the Town of Boston, it is provided that the "Directors may at any future period establish Offices for the purpose of Loans, Discount and Deposit in such other Towns within this Commonwealth, and commit the management thereof to such persons, and under such regulations as to the Directors shall seem proper and advisable."

Be it Enacted by the Authority aforesaid that if the Subscribers to the Bank by this Act established, shall before the said first day of May next, apply to the Directors of [of] the said Union Bank, to establish a branch or office of said Union Bank on the Island of Nantucket, for the purposes aforesaid, and the said Directors shall agree to the same, that then and in that case, the said Branch or Office of said Union Bank, shall be substituted for the bank by this Act established and wholly supersede the same; and the Capital Stock of said Union Bank shall and may be increased in and by such sum or sums as shall be mutually agreed by and between said Directors & said Subscribers, to be used and applied on the Island of Nantucket for the purposes aforesaid, not exceeding the sum of One Hundred thousand Dollars. Approved February 27, 1795.

1794. — Chapter 57.

[January Session, ch. 33.]

AN ACT TO INCORPORATE THE PLANTATION CALLED STERLING IN THE COUNTY OF LINCOLN INTO A TOWN BY THE NAME OF FAYETTE.

Be it Enacted by the Senate & House of Representatives in General Court Assembled & by the authority of the same,

that the plantation called Sterling in the County of Lincoln bounded as follows vizt. beginning at the Northeast corner of Livermore thence running South in the East line of Livermore seven miles & ninety rods, thence East about three miles & ninety rods to the thirty mile river, so called, thence Northerly by said River to Lane's pond so called, thence Northerly by said pond on the Easterly side thereof to the most Easterly & Northerly branch of the same, thence North to the most Southerly & Easterly branch of Crooked pond, thence on the same course to the Southerly line of Mount Vernon, thence Westerly in said Southerly line to the Southwest corner of Mount Vernon, thence Northerly in the Westerly line of Mount Vernon to the Northeastly corner of said Sterling, thence North eighty degrees west about five miles & thirty rods to the first mentioned bound, together with the inhabitants thereon be, & hereby are incorporated into a town by the name of Fayette; & the said town is hereby vested with all the powers, privileges & immunities which other towns within this Commonwealth do, or may enjoy by Law.

And be it further Enacted by the authority aforesaid, that Robert Page esqr. be & he hereby is impowered to issue his warrant directed to some suitable inhabitant of said town requiring him to warn a meeting of the inhabitants of said town at such time & place as shall be expressed in said warrant for the purpose of choosing town officers & transacting all such business as towns in this Commonwealth are by Law empowered to choose & transact in the month of March or April annually. Approved February 28, 1795.

Robert Page, Esq. to Lane's warrant.

1794. — Chapter 58.

[January Session, ch. 34.]

AN ACT TO INCORPORATE THE PLANTATION CALLED LIVERMORE LYING ON BOTH SIDES ANDROSCOGGIN RIVER INTO A TOWN BY THE NAME OF LIVERMORE.

Be it enacted by the Senate & House of Representatives in General Court Assembled & by the authority of the same, that the Plantation called Livermore lying on both sides Androscoggin river & bounded as followeth, vizt. beginning at a Hemlock Tree standing in the North east corner of Turner on the Westerly side of Androscoggin river, thence running North sixty Degrees West in the

Boundaries.

C. Walton

11 OCT 87

MUNICIPALITIES AND COUNTIES

30-A § 2632

Derivation:  
R.S. 1954, c. 90-A, § 55.  
R.S. 1954, c. 91, § 43.

Laws 1957, c. 405, § 1.  
Former § 2254 of title 30.

SUBCHAPTER II  
TOWN MANAGER PLAN

Section	Section
2631. Town manager plan.	2636. Powers and duties of town manager.
2632. Qualifications of town manager.	2637. Transitional provisions.
2633. Term, compensation, removal, suspension.	2638. Regional cooperation.
2634. Absence or disability of town manager.	2639. Application.
2635. Board of selectmen to act as a body; administrative service to be performed through town manager; committees.	

§ 2631. Town manager plan

*Text of section added effective March 1, 1989*

1. **Applicable laws.** The form of government provided in this subchapter shall be known as the "town manager plan" and, together with general law not inconsistent, shall govern any town in which the voters have adopted this plan at a meeting held at least 90 days before the annual meeting.

2. **Government.** The government of each town under this subchapter shall consist of a town meeting, an elected board of selectmen, an elected school committee, an appointed town manager and any other officials and employees that may be appointed under this subchapter, general law or ordinance. Other town officials may be elected by ballot, including, but not limited to, moderator, assessors, overseers of the poor, clerk and treasurer. The election of officials at the last annual town meeting shall require that those town offices continue to be filled by election until the town designates otherwise.

3. **Duration.** Once adopted, the town manager plan remains in effect until revoked at a town meeting held at least 90 days before the annual meeting unless the voters of the town adopt a charter.

1987, c. 787, § A, 2, eff. March 1, 1989.

Derivation:  
R.S. 1954, c. 91, §§ 16 to 19.  
Laws 1957, c. 405, § 1.  
Laws 1963, c. 202.

Laws 1969, c. 438, § 1.  
Laws 1969, c. 590, § 58-B.  
Laws 1977, c. 479, § 12.  
Former §§ 2301, 2311 of title 30.

§ 2632. Qualifications of town manager

*Text of section added effective March 1, 1989*

1. **Selection by board; professional qualification.** The selectmen shall choose the town manager solely on the basis of executive and administrative qualifications with special reference to actual experience in, or knowledge of, the duties of office under this subchapter.

2. **Residency.** The town manager need not be a resident of the town or State when appointed, but, while in office, may reside outside the town or State only with the approval of the board of selectmen.

3. **Prohibited offices.** A town manager may not serve as moderator, selectman, assessor or member of the school committee.

1987, c. 787, § A, 2, eff. March 1, 1989.

Derivation:  
R.S. 1954, c. 91, §§ 16 to 19.

Laws 1957, c. 405, § 1.  
Laws 1963, c. 202.

Laws 1969, c. 438, § 1.  
Laws 1985, c. 64.  
Former §§ 2301, 2312 of title 30.

§ 2633. Term, compensation, removal; suspension

*Text of section added effective March 1, 1989*

1. Term. The town manager shall hold office for an indefinite term unless otherwise specified by contract.
2. Compensation. The selectmen shall determine the compensation of the town manager.
3. Removal, suspension. The selectmen may remove or suspend the town manager for cause in accordance with the following procedures.
  - A. The selectmen shall file a written preliminary resolution with the town clerk stating the specific reasons for the proposed removal. A copy of that resolution shall be delivered to the manager within 10 days of filing.
  - B. Within 20 days of receiving the resolution, the manager may reply in writing and request a public hearing.
  - C. Upon request for a public hearing, the selectmen shall hold one at least 10 days but not more than 30 days after the request is filed.
  - D. After the public hearing or at the expiration of the time permitted the manager to request the public hearing, if no such request is made, the selectmen may adopt or reject the resolution of removal.
  - E. The selectmen may suspend the manager from duty in the preliminary resolution, but the manager's salary may not be affected until the final resolution of removal has been adopted.

1987, c. 737, § A, 2, eff. March 1, 1989.

Derivation:

R.S.1954, c. 91, §§ 16 to 19.  
Laws 1957, c. 405, § 1.

Laws 1963, c. 202.  
Laws 1969, c. 438, § 1.  
Former §§ 2301, 2313 of title 30.

§ 2634. Absence or disability of town manager

*Text of section added effective March 1, 1989*

The town manager may designate a qualified administrative official of the town to perform the manager's duties during a temporary absence or disability, subject to confirmation by the selectmen. If the town manager does not make this designation, the selectmen may appoint a town official to perform the manager's duties during the absence or disability and until the manager returns or the disability ceases.

1987, c. 737, § A, 2, eff. March 1, 1989.

Derivation:

Laws 1969, c. 438, § 1.

Laws 1973, c. 25.  
Former § 2314 of title 30.

§ 2635. Board of selectmen to act as a body; administrative service to be performed through town manager; committees

*Text of section added effective March 1, 1989*

It is the intention of this subchapter that the board of selectmen as a body shall exercise all administrative and executive powers of the town except as provided in this subchapter. The board of selectmen shall deal with the administrative services solely through the town manager and shall not give orders to any subordinates of the manager, either publicly or privately. This section does not prevent the board of selectmen from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any official or department, or any matter relating to the welfare of the town.

1987, c. 737, § A, 2, eff. March 1, 1989.



## Derivation:

Laws 1969, c. 438, § 1.  
Former § 2316 of title 30.

## § 2636. Powers and duties of town manager

*Text of section added effective March 1, 1989*

## The town manager:

1. **Executive and administrative officer.** Is the chief executive and administrative official of the town;
2. **Administer offices.** Is responsible to the selectmen for the administration of all departments and offices over which the selectmen have control;
3. **Execute laws and ordinances.** Shall execute all laws and ordinances of the town;
4. **Department head.** Shall serve in any office as the head of any department under the control of the selectmen when directed by the selectmen;
5. **Appoint department heads.** Shall appoint, subject to confirmation by the selectmen, supervise and control the heads of departments under the control of the selectmen when the department is not headed by the town manager under subsection 4;
6. **Appoint town officials.** Unless otherwise provided by town ordinance, shall appoint, supervise and control all town officials whom the municipal officers are required by law to appoint, except members of boards, commissions, committees and single assessors; and appoint, supervise and control all other officials, subordinates and assistants, except that the town manager may delegate this authority to a department head and report all appointments to the board of selectmen;
7. **Purchasing agent.** Shall act as purchasing agent for all departments, except the school department, provided that the town or the selectmen may require that all purchases greater than a designated amount must be submitted to sealed bid;
8. **Attend meetings of selectmen.** Shall attend all meetings of the board of selectmen, and the town manager may attend meetings when the manager's removal is being considered;
9. **Make recommendations.** Shall make recommendations to the board of selectmen for the more efficient operation of the town;
10. **Attend town meetings.** Shall attend all town meetings and hearings;
11. **Inform of financial condition.** Shall keep the board of selectmen and the residents of the town informed as to the town's financial condition;
12. **Collect data.** Shall collect data necessary to prepare the budget;
13. **Assist residents.** Shall assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices; and
14. **Remove appointments.** Has exclusive authority to remove for cause, after notice and hearing, all persons whom the manager is authorized to appoint and report all removals to the board of selectmen.

1987, c. 737, § A, 2, eff. March 1, 1989.

## Derivation:

R.S.1954, c. 91, § 18.  
Laws 1957, c. 405, § 1.  
Laws 1963, c. 202.

Laws 1969, c. 438, § 1.  
Laws 1973, c. 421, §§ 2 to 4.  
Former §§ 2302, 2317 of title 30.

## § 2637. Transitional provisions

*Text of section added effective March 1, 1989*

The selectmen, by resolve, may provide for the orderly transition of the town government. These resolves may not infringe upon the rights of any official or employee of the town and may not be inconsistent with this subchapter.  
1987, c. 737, § A, 2, eff. March 1, 1989.

## Record of a Special Town Meeting

At the Special Town Meeting held on ~~June~~  
the seventeenth day of December A. D., 1974,  
qualified voters voted on the following articles.

Art. 1. The Town elected Richard A. Herbert to be  
at the meeting as Moderator and sworn in.

Art. 2. The Meeting was opened for discussion  
adopting the form of government known  
as the "town manager plan" as set forth in  
sub-chapter II \* A of Chapter 13, Title 30, Maine  
Revised Statutes.

Mr. Edwin Bouton discussed at length  
about assessing the town, followed by  
questions and answers about a Town Manager.  
It was recommended that the bookkeeper  
work 20 hours a week at \$250<sup>an hour</sup> and the  
Manager 10 hours at \$5.50<sup>an hour</sup> but wasn't  
made a law. After a great deal of discussion  
a written ballot was asked for and the  
vote was 46 yes and 34 no to hire a  
town manager.

Art. 3. The Town voted to have the Town  
Manager serve also as tax collector and  
road commissioner.

Upon a motion by the Town the  
meeting was adjourned.

A true copy. Attest: Florence C. Gile, Town Clerk

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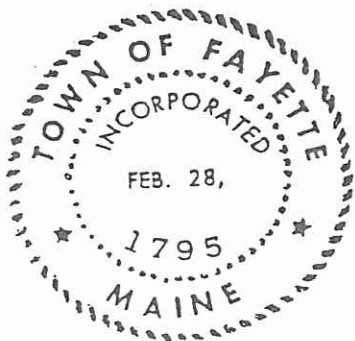
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# Town of Fayette

RFD #1, BOX 2180  
FAYETTE, MAINE 04349  
(207) 685-4373



## TOWN OFFICERS RECORD OATH AND CERTIFICATE

Office of:  
Town Manager  
Board of Selectmen  
Assessors  
Town Clerk  
Tax Collector  
Treasurer  
Planning Board  
Code Enforcement Officer  
Fire Chief

MUNICIPALITY OF FAYETTE  
COUNTY OF KENNEBEC

October 3, 19 96

### STATE OF MAINE

I, Clyde Walton, do swear that I will support the Constitution of the United States and of this State, so long as I shall continue a citizen thereof. So help me God.

I, Clyde Walton, do swear that I will faithfully discharge all the duties incumbent upon me as Charter Commission Member according to the Constitution and laws of the State, So help me God.

Signed Clyde D. Walton

§§§  
STATE OF MAINE

COUNTY OF KENNEBEC

October 3, 19 96

I, Christopher Pathwick-Paszyc, certify that Clyde Walton personally appeared before me on this day and took the above oath.

CP Pathwick - Paszyc  
TOWN CLERK OR NOTARY PUBLIC



To the Hon<sup>ble</sup> Senate and House of Representatives  
of the Commonwealth of Massachusetts in General  
Court assembled - - - - -

Your Petitioners Inhabitants of a Plantation called  
Sterling in the County of Lincoln containing about seven  
-ty Families) humbly sheweth that we labour under many  
disadvantages in consequence of our unorganized State such as  
want of means for the Education of our Youth laying out and  
Repairing Roads &c. which can be removed only by In-  
-corporation We therefore pray your Hon<sup>rs</sup>: to take our Case into  
your wise consideration and Incorporate us into a town  
by the name of Newfentling in manner following (viz):  
Beginning at the Northeast Corner of Livermore town so  
called extending southerly on the East Line of said town seven  
Miles and ninety Rods then due East to the thirty mile  
River so called then Northerly on said River to the most  
Northerly and Easterly brim of Lakes Pond then on their  
same Course to the most southerly and Easterly Branch of  
Cratched Pond then North to the south Line of Mount Vernon  
then Westerly to the Southwest Corner of said town then North  
-easterly on the westerly Line of Mount Vernon to the southerly  
Line of Goshen then North eighty Degrees west to the first  
mentioned Bounds with all the Privileges of other towns in  
this Commonwealth and we further pray that we may  
be exempted from State and County Taxes for five years  
next to come that we may be able in the mean time to  
construct Schoolhouses and lay out and Repair Highways and at  
the expiration of said term we will most cheerfully contrib-  
-ute our share to the Publick expenses all which your Petitioners  
as in Duty Bound shall ever Pray - - -

Sterling Decem<sup>r</sup> 20th 1764

Benjamin Judkins  
John Beary  
Abraham Sebae  
David Knowles

Isaac Good  
Henry Good  
John Judkin  
Joanna Hubbard  
Samuel Spald  
Lyons Baldwin

Johnell Turk  
Samuel Smith  
Joseph Martin  
John Knowles  
Joseph Anderson  
Daniel Rowel

Ellet Berry  
Walt Lyford  
McWilliam Pley  
Chase Elkins  
Constant Southam

Mathew Bettinger  
Harris Bly  
Joel Jenkins  
David Watson  
Enoch Watson  
Joseph Watson

Joseph Watson  
Henry Watson  
Jane Watson  
Moses Watson  
Benjamin Wing  
Israel Wing

Andrew Sturtevant  
Abisha Sturtevant  
Junner Swift  
Solomon Besse  
James Young  
David Nelson  
David Miller  
Otho Roader

Miss Fe  
Incorporation

In the name of the people Jan 4th 1795  
The said committee do hereby

bind & command in our name to collect & deposit  
the sum of one hundred dollars for the purpose  
of erecting a school house in the town of  
Hartford

David M. Robinson Secy

Witness my hand  
this 4th day of January 1795