

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 954

H. P. 736

House of Representatives, February 20, 1969

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. LePage of Scarborough.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Providing for a Council-Manager Charter for the Town of Scarborough.

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

COUNCIL-MANAGER CHARTER

of the

TOWN OF SCARBOROUGH

Article I

Grant of Powers to the Town

Sec. 101. Incorporation. The inhabitants of the Town of Scarborough, within the limits as now established or as hereafter established in the manner provided by law, shall be a municipal corporation by the name of the Town of Scarborough.

Sec. 102. Powers of the town. The town shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said town as a municipal corporation, or the inhabitants or municipal authorities thereof. It may enact bylaws, regulations and ordinances not inconsistent with the Constitution and laws of the State of Maine, and impose penalties for the breach thereof, as provided by the laws of the State of Maine.

The town may acquire property within or without its corporate limits for any town purpose, in fee simple or any lesser interest or estate, by purchase,

gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interest may require.

In this charter mention of a particular power shall not be construed to be exclusive or to restrict the scope of the powers, which the town would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the town may have all the powers necessary or convenient for the conduct of its municipal affairs, including all powers the town may assume pursuant to state laws and to the provisions of the State Constitution.

Article II

Town Council

Sec. 201. Number, election, term. The town council shall be composed of 7 members who shall be nominated and elected by the registered voters of the entire town according to the provisions of Article VIII of this charter for a term of 3 years and who shall serve until their successors are elected and qualified, except that, at the first election after the adoption of this charter, the 3 members-elect receiving the most votes shall serve 3 years, the 2 members-elect receiving the next highest number of votes shall serve 2 years and the 2 members-elect receiving the next highest number of votes shall serve for one year. In case of an equal number of votes, the relative position of the members-elect shall be determined by lot.

Sec. 202. Qualifications. Councilmen shall be registered voters of the town and shall reside in the town during their term of office. They shall hold no office of emolument or profit under the town charter or ordinances. If a councilman shall cease to possess any of these qualifications or shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant.

Sec. 203. Powers and duties. The members of the town council shall be and constitute the municipal officers of the Town of Scarborough for all purposes required by statute, and except as otherwise herein specifically provided, shall have all powers and authority given to, and perform all duties required of, municipal officers under the laws of this State.

Sec. 204. Enumeration of powers. Without limitation, by enumeration of its powers, the council shall have power to :

1. Appoint and remove the town manager, assessor and town attorney and appoint the board of assessment review, the board of appeals and the planning board, and all statutory and advisory boards.

2. By ordinance create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this charter. The council, by ordinance, may assign additional functions or duties to offices, departments or agencies established by this charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this charter to a particular office, department or agency.

The council may, however, vest in the manager all or part of the duties of any office, except the department of education.

3. Make, alter and repeal ordinances, including under this power :

A. The power to enact ordinances regulating the following classes of persons, businesses and purposes and to grant licenses and permits therefor for such periods of time and in accordance with such rules and regulations, not inconsistent with law, upon payment by the licensee of such fees, and filing of such bonds as said town council may establish and make provisions for by ordinance, to wit: Auctioneers, the maintenance and operation of garages, filling stations, sidewalk tanks and pumps for the sale or distribution of gasoline and other volatile inflammable liquids for fuel or power; the manufacture, storage, sale, transportation, disposition and use of explosives and flammable liquids; billiard halls, pool halls; bowling alleys; roller skating rinks; junk dealers; dealers in secondhand parts and salvage of automobiles; taxicabs and motor buses; dealers in secondhand merchandise; hawkers and peddlers; employment agencies; itinerant vendors; public automobiles; amusements; exhibitions and performances; theaters, including indoor and outdoor; inns; victualers; pawnbrokers; lodging houses of 14 rooms or more; public shooting galleries; the manufacture, storage, sale, disposition and use of fireworks; dance halls; circuses; and the erection of signs, flags, banners, awnings, marquees, and all other things within the limits of the sidewalks, roads, ways and streets of said town, and no such objects placed within said limits in accordance with such ordinances shall be deemed defects in such sidewalks, roads, ways and streets.

B. The power to enact ordinances providing for the grant of licenses and permits for the conduct of any business, as set forth in the statutes of the State of Maine, for such periods of time and in accordance with such rules and regulations not inconsistent with law and upon payment by the licensee of such fees as the town council may establish in such ordinance.

4. Inquire into the conduct of any office, department or agency of the town and make investigation as to municipal affairs ;

5. Adopt and modify the official map of the town ;

6. Regulate and restrict the height and the number of stories of buildings and other structures, the size of yards and courts, the density of population and the location and use of buildings for trade, industry, business, residence or other purposes ;

7. Provide for safe and sanitary housing accommodations for families of low income ;

8. Create a housing authority ;

9. Adopt, modify and carry out plans proposed by the planning board for the clearance of slum districts and rehabilitation of blighted areas ;

10. Adopt, modify and carry out plans proposed by the planning board for the replanning, improvement and redevelopment of neighborhoods and for the

replanning, reconstruction and redevelopment of any area or district which may have been destroyed in whole or in part by disaster;

11. Provide for an annual audit;

12. Act as the general legislative body of the town with all the powers of a town meeting, including any power heretofore vested in a town meeting.

Sec. 205. Compensation.

1. Councilmen shall receive \$15 for each council meeting attended, not to exceed in the aggregate \$350 per year in full for their services, and shall be paid quarterly. Such compensation may be changed by ordinance, but no such ordinance increasing the salary of members of the town council shall take effect during the then current municipal year.

2. The town council by order shall fix the salaries of officials elected by the town council, including the salary of the town manager for his services as such and for all other services rendered by him.

3. Salaries of the appointees of the town manager shall be fixed by the town manager.

Sec. 206. Induction of council into office. The town council shall meet at the usual place for holding meetings at 8 p.m. on the 2nd Monday in January following the regular town election, and at said meeting councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the town clerk.

Sec. 207. Council to judge qualifications of its members. The council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require production of records in the manner set forth in section 1002, but the decision of the council in any such case shall be subject to review by the courts.

Sec. 208. Regular meetings. The town council shall, at its first meeting or as soon thereafter as possible, establish by ordinance or resolution a regular place and time for holding its regular meetings, and shall meet regularly at least once a month. It shall also provide a method for calling special meetings. All meetings of the town council shall be open to the public in accordance with the Revised Statutes of Maine, 1964, Title 1, sections 401 to 405.

Sec. 209. Chairman. At its first meeting or as soon thereafter as practicable the council shall elect, by majority vote of the entire council, one of its members for the ensuing year as chairman, and the council may fill for an unexpired term, any vacancy in the office of chairman that may occur. The chairman shall preside at the meetings of the council, and shall be recognized as head of the town government for all ceremonial purposes and by the Governor for purposes of military law, but he shall have no regular administrative duties. In the temporary absence or disability of the chairman, the town council may elect a chairman pro tempore, from among its members and he shall exercise all the powers of chairman during such temporary absence or disability of the chairman.

Sec. 210. Quorum and vote. A majority of the town council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least 24 hours' notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which the adjournment was taken. Every ordinance, order and resolve shall require on final passage the affirmative vote of 4 members of the town council.

Sec. 211. Vacancies in council. If a seat in the council becomes vacant more than 6 months prior to the next regular town election, the vacancy shall be filled for the unexpired term within 60 days from the date that the vacancy occurred by a special election, the warrant for which shall, upon vote of the town council, be issued by a member of the town council, by vote designated for that duty. If a seat in the council becomes vacant within 6 months prior to the next regular town election, the vacancy may, at the option of the town council, be filled for the unexpired term by a special election, but no election shall be held within 60 days prior to the date of the regular election.

Sec. 212. Rules of procedure; journal. The council shall determine its own rules and order of business. It shall keep a record of its proceedings and the record shall be open to public inspection.

Sec. 213. Public hearing on ordinances. At least one public hearing, notice of which shall be given at least 7 days in advance by publication in a newspaper having a circulation in said town and by posting notice in a public place, shall be held by the council before any ordinance shall be passed, but nothing contained herein shall be deemed to require publication of the ordinance itself. The passage of such ordinance shall not be effective until 30 days after such enactment. The town council may, by vote of 5 of its members, pass emergency ordinances, to take effect at the time indicated therein. Such ordinance shall contain a section in which the emergency is set forth and defined, but the declaration of such emergency by the town council shall be conclusive.

Sec. 214. Town clerk. The town clerk shall be appointed by the town manager and shall act as clerk of the council. He shall keep a public record of all proceedings of the council, including all roll-call votes.

Sec. 215. Independent annual audit. Prior to the end of each fiscal year, the council shall designate the State Department of Audit or private certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the town government and shall submit their report to the council, and the town manager. Such accountants shall not maintain any accounts or records of the town business, but shall post-audit the books and documents kept by the department of finance and any separate or subordinate accounts kept by any other office, department or agency of the town government.

Article III

Town Manager

Sec. 301. Town manager, qualifications. The town manager shall be chosen by the town council solely on the basis of his character and his execu-

tive and administrative qualifications with special reference to his actual experience in, or his knowledge of accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the town or state. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term, nor shall any member of the town council act in that capacity.

Sec. 302. Removal of town manager. The town manager may be removed for cause by the town council in accordance with the method and procedure set forth in the Revised Statutes of Maine, 1964, Title 30, section 2301, subsection 4.

Sec. 303. Town manager, chief administrator. The town manager shall be the chief administrative officer and the head of the administrative branch of the town government, and shall be responsible to the council for the proper administration of all affairs of the town. He shall have the power and shall be required to:

1. Appoint all statutory officers required by law to be appointed.
2. Appoint, prescribe the duties of, and, when necessary for the good of service, remove all officers and employees of the town appointed by him, except as otherwise provided herein, and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office.
3. Prepare the budget annually, submit it to the council and be responsible for its administration after adoption.
4. Prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the town for the preceding year, and cause such annual town report to be published and made available to the public as promptly as possible after the close of the fiscal year.
5. Attend the meetings of the council, except when his removal is being considered, and keep the council advised of the financial condition and future needs of the town and make such recommendations as may seem to him desirable.
6. See that all laws and ordinances governing the town are faithfully administered.
7. Act as purchasing agent for all departments of the town, except the school department.
8. Perform such other duties as may be prescribed by this charter or required of him by the council not inconsistent with this charter.
9. Prepare an administrative code, submit it to the council and be responsible for its administration after adoption.

Sec. 304. Council not to interfere in appointments or removals. Neither the council nor any of its members shall direct or request the appointment of

any person to or his removal from office by the manager or by any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager, and neither the council nor any member thereof shall give orders to any subordinates of the manager, either publicly or privately.

Sec. 305. Absence of town manager. To perform his duties during his temporary absence or disability, the manager may, with the consent of the council, designate by letter filed with the town clerk, a qualified administrative officer of the town. In the event of failure of the manager to make such designation, the council may by resolution appoint any administrative officer of the town to perform the duties of the manager until he shall return or his disability shall cease.

Sec. 306. Appointees. All appointees of the manager shall serve at the will and pleasure of the manager.

Article IV

Department of Education

Sec. 401. Board of education. The department of education shall be administered by a board of education, which shall consist of 5 members who shall be nominated and elected by the registered voters of the entire town according to the provision of Article VIII of this charter for a term of 3 years and who shall serve until their successors are elected and qualified, except that, at the first election after the adoption of this charter, the 2 members receiving the largest number of votes shall serve for 3 years, the 2 members receiving the next largest number of votes shall serve for 2 years, and the member receiving the next largest number of votes shall serve for one year. In case of members receiving an equal number of votes, their relative positions shall be determined by lot.

Sec. 402. Qualifications. Members of the board of education shall be registered voters of the town and shall reside in the town during their term of office. They shall hold no office of emolument or profit under the town charter or ordinances. If a member of the board of education shall cease to possess any of these qualifications or shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant.

Sec. 403. Vacancy. If for any reason a vacancy shall exist in the membership of the board of education, it shall be filled by a majority vote of the council until the next municipal election.

Sec. 404. Organization; qualification; quorum. The members of the board of education shall meet for organization at 8:00 p.m. on the 2nd Monday in January following the regular town election, and at said meeting, the members-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the town clerk, and a record made thereof. The majority of the whole number of the board of education shall be a quorum and they shall elect their own chairman. Every vote of the board shall require the affirmative vote of at least 3 members of the board.

Sec. 405. Powers and duties. The board of education shall have all the powers, and perform all the duties in regard to the care and management of public schools of the town, which are now conferred and imposed upon superintending school committees by the laws of this State, except as otherwise provided in this charter. The board of education shall, at the first regular meeting of the council in February of each year, submit to the town council budget estimates of the various sums required for the support of public schools for the ensuing fiscal year and shall thereafter provide the town council with such information relating to such estimates as the town council shall require. A budget hearing on such budget estimates shall be held, together with the hearing on the budget estimates of the town manager. The town council in its appropriation resolve for the ensuing year shall, in addition to amounts appropriated for other general town purposes, appropriate one gross amount for the support of public schools, which amount shall not be less than the sum required to be appropriated for such purposes by the general laws of the state. Such appropriation shall be expended under the direction and control of the board of education, but no such appropriation shall be exceeded except by consent of the town council. The town council may, by ordinance, establish an annual salary for members of the board of education.

Article V

Budget

Sec. 501. Fiscal year. The fiscal year of the town government shall begin the first day of January and shall end on the 31st day of December of each calendar year. Such fiscal year shall constitute the budget and accounting year as used in this charter. The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Sec. 502. Preparation and submission of the budget. The town manager, at the first regular council meeting in February of each fiscal year, shall submit to the council a budget and an explanatory budget message. The budget authority of the council shall be limited to the final determination of the total appropriation to be made to each of the several offices, departments and agencies of the town, including the department of education. This budget shall be compiled from detailed information furnished by the administrative officers and boards on blanks, forms of which shall be designated by the manager, and shall contain :

1. Exact statement of the financial condition of the town.
2. An itemized statement of appropriations recommended for current expenses, and for permanent improvements; with comparative statements in parallel columns of estimated expenditures for the current year and actual expenditures for the preceding fiscal year. An increase or decrease in any item shall be indicated.
3. An itemized statement of estimated revenue from all sources, other than taxation; and a statement of taxes required, comparative figures from current and preceding year.

4. Such other information as may be required by the town council. The proposed budget prepared by the manager, as well as the school budget, shall be reviewed by the town council which shall approve the total budget with or without amendments. The town council shall fix the time and place for holding a public hearing on such budget, and shall give a public notice of such hearing. The council shall thereafter review the budget and adopt it with or without change no later than 60 days from the date of its submission to the council. In the event the council shall fail to adopt the budget within said 60-day period, the budget as presented by the manager shall automatically become the budget for the fiscal year.

Sec. 503. Budget established appropriations. From the date of adoption of the budget, the several amounts stated therein as proposed appropriations shall be and become appropriated to the several agencies and purposes therein named.

Sec. 504. Budget establishes amount to be raised by property tax; certification to town assessor. From the date of adoption of the budget, the amounts stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the town in the corresponding tax year. A copy of the budget finally adopted shall be certified by the manager and filed by him with the town assessor, whose duty it shall be to levy such taxes for the corresponding tax year.

Sec. 505. Budget summary. At the head of the budget there shall appear a summary of the budget, which need not be itemized, further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and shall be itemized by departments and kinds of expenditures, in such manner as to present to the taxpayers a simple and clear summary of the detailed estimates of the budget.

Sec. 506. Expenditures and departmental revenue. The budget for all departments, including the school department, shall include all proposed expenditures. The town council shall make a gross appropriation for each department, including the school department, for the ensuing municipal year. The gross appropriation for each department shall not be exceeded except by consent of the council but the school budget shall be expended under the direction and control of the school board.

Sec. 507. Work program; allotments. Before the beginning of the budget year, the head of each office, department or agency shall submit to the town manager, when required by him, a work program of the year, which program shall show the requested allotments of appropriations for such office, department or agency, by stated periods, for the entire budget year. The town manager shall review the requested allotments of the appropriations for such office, department or agency, by stated periods, for the entire budget year. The town manager shall review the requested allotments in the light of the work program of the office, department or agency concerned, and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total of appropriations available to said office, department or agency for the budget year.

Sec. 508. Transfer of appropriations. At the request of the manager and within the last 3 months of the budget year, the council may by order transfer any unencumbered appropriation balance or portion thereof between departments.

Sec. 509. Interim expenditures. In the period between the beginning of the fiscal year and the appropriation of funds, the council may authorize expenditures for current departmental expenses chargeable to the appropriations for the year, when made, in amounts sufficient to cover the necessary expenses of the various departments.

Article VI

Tax Administration

Sec. 601. Assessor. There shall be established a division of assessment, the head of which shall be the town assessor. The assessor, appointed as hereinbefore provided, shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the State may exercise, and may now or hereafter be subject to, under the laws of the State.

Sec. 602. Board of assessment review; appointments; vacancies. There shall be a board of assessment review to consist of 3 members who shall be appointed by the town council for a term of 3 years, except that of those first appointed one shall be for a term of 2 years, and one for a term of one year. Compensation, if any, to such members shall be determined by the town council. Vacancies in the membership of such board shall be filled by appointment by the council for the unexpired term.

Sec. 603. Board of assessment review; powers and duties. The board of assessment review shall have the power to:

1. Review, on complaint of property owners, and revise assessments for the purpose of taxation of real and personal property within the town limits made by the town assessor;
2. Administer oaths;
3. Take testimony;
4. Hold hearings;
5. Adopt regulations regarding the procedure of assessment review.

Article VII

Municipal Development

Sec. 701. Planning board. There shall be a town planning board which shall be appointed, have such powers and perform such duties as are provided by the laws of the State of Maine.

Sec. 702. Zoning ordinance. There shall be a zoning ordinance as provided by state law.

Sec. 703. Board of appeals. There shall be a board of appeals which shall be appointed, have such powers and perform such duties as are provided by the laws of the State of Maine.

Article VIII

Nominations and Elections

Sec. 801. Municipal elections. The regular election for the choice of members of the council and the school board shall be held on the first Monday in December. All elections shall be conducted on a nonpartisan basis and without party designation on the election ballot.

Sec. 802. Nomination. Registered voters of the town shall be nominated for the council or school board only by the use of nomination papers in accordance with the statutes of the State of Maine.

Sec. 803. Conduct of municipal elections. The provisions of the statutes of the State of Maine relating to the qualifications of voters, the registration of voters, the nomination for any office, the manner of voting, the duties of election officers and all other particulars relative to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter.

Sec. 804. Voting places. The voting places for municipal elections shall be those which have been or may hereafter be established for state elections.

Sec. 805. Election officials. The town council shall, at least 10 days before any election, appoint a warden and a clerk, in addition to the regular ballot clerks, for each voting place.

Article IX

Initiative and Referendum

Sec. 901. Petition for overrule of action of council. The following shall be subject to overrule by referendum as follows:

1. All ordinances;
2. Orders or resolves appropriating \$100,000 or more for a single capital improvement or capital equipment;
3. Orders or resolves authorizing bond issues of \$100,000 or more for capital improvements or capital equipment.
4. If, within 20 days after the enactment of any such ordinance, order or resolve, a petition signed by not less than 10% of the registered voters of the Town of Scarborough is filed with the town clerk requesting its reference to a referendum, the council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk and shall, within 14 days after said public hearing, call a special town election for the purpose of submitting to a referendum vote the question of adopting such ordinance, order or resolve. Pending action by the voters of the town, the re-

ferred ordinance, order or resolve shall be suspended from going into operation until it has received a vote of the majority of the voters voting on said question.

Sec. 902. Petition for enactment of ordinances. Not less than 10% of the registered voters of the town may at any time petition for the enactment of any proposed lawful ordinance by filing such petition, including the complete text of such ordinance, with the town clerk. The council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk and shall, within 30 days after said public hearing, call a special town election for the purpose of submitting to a referendum vote the question of adopting such ordinance, unless prior to the call for said town election, such ordinance shall be enacted by the council. Such ordinance shall take effect on the 10th day after the conclusion of such referendum, provided a majority of those voting thereon shall have voted in the affirmative.

Any such proposed ordinance shall be examined by the town attorney before being submitted to referendum. The town attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but he shall not materially change its meaning and effect.

Sec. 903. Form of ballot. The form of the ballot for the proposed ordinance, or repeal of such ordinance, order or resolve, shall be substantially as follows:

“Shall the ordinance, order or resolve entitled ‘..... YES NO
.....’ be adopted?”

(The voters shall indicate by a cross or check mark placed in a box under the words YES or NO, their opinion of the same.)

Article X

General Provisions

Sec. 1001. Oath of office. Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk:

“I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Maine; that I will, in all respects, observe the provisions of the charter and ordinances of the Town of Scarborough and statutes of the State of Maine, and will faithfully discharge the duties of the office of

Sec. 1002. Summons before town council. At the request of the town council, the Clerk of Courts of Cumberland County may issue summons for witnesses to attend and produce books, documents and papers at any meeting of the town council for the Town of Scarborough at which a hearing is had in any matter relating to the administration of any town affairs, which sum-

mons shall be served as summons are required to be served in matters before the Superior Court. On complaint of failure to obey summons to any Justice of the Superior Court, which justice is expressly given jurisdiction to hear such complaints, said justice, if he finds failure to obey said summons to be without reasonable excuse, shall impose a fine of not less than \$10 nor more than \$100 or imprisonment for not more than 30 days, or both fine and imprisonment. All rights of appeal as exist in the general laws of the State of Maine shall be available.

Sec. 1003. Removal of officers and employees. Any officer or employee to whom the town manager, or a head of any office, department or agency, may appoint a successor, may be removed by the manager, or other appointing officer with the ratification of the town council. The decision of the manager, or other appointing officer, with the ratification of the town council, shall be final.

Sec. 1004. Ordinances not inconsistent continue in force. All ordinances of the Town of Scarborough in force at the time when this charter takes effect, not inconsistent with the provisions of this charter, shall continue in force until amended or repealed.

Sec. 1005. Existing contracts not invalidated, unless inconsistent. All rights, actions, proceedings, prosecutions and contracts of the town or any of its departments, pending or unexecuted when this charter goes into effect and not inconsistent herewith shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Sec. 1006. Expiration term of present elected officials. The term of the present town officials and of the school board shall expire at 8 p.m. on the 2nd Monday of January, 1970.

Sec. 1007. Continuance of present administrative officers. All persons holding administrative office at the time this charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance herewith for the performance of such duties or the discontinuance of such office.

Sec. 1008. Short title. This charter shall be known and may be cited as the "Council-Manager Charter of the Town of Scarborough." The Clerk shall cause it to be printed and have copies available at the Town Office.

Sec. 1009. Separability clause. If any portion of this charter shall be held to be invalid, such decision shall not affect the validity of the remaining portions hereof.

Sec. 1010. Repealing clause. All acts and parts of acts of the private and special laws of Maine relating to the Town of Scarborough, inconsistent with the provisions of this charter, are repealed.

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 Scarborough

at any regular or special town election or state-wide election held before January 2, 1970, and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said town to meet in a designated place, there to cast their ballot on the approval or rejection of this Act.

The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this Act to the following question: "Shall 'An Act Providing for a Council-Manager Charter for the Town of Scarborough,' passed by the 104th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same. This Act shall take effect for the purpose of nominating and electing officers hereunder immediately upon its acceptance by a majority of the legal voters at said election, and for all other purposes this Act shall take effect immediately following the first election held under the provisions of this charter.

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