

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1954, Chapter 10, Section 27, Subsection VI.

KENNEBEC JOURNAL

AUGUSTA, MAINE

1961

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the One Hundredth Legislature

1961

Chapter 172

AN ACT to Grant a New Charter for the Town of Falmouth.

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

Council-Manager Charter of Town of Falmouth

Article I.

Grant of Powers to the Town.

Sec. 101. Incorporation. The inhabitants of the Town of Falmouth, 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 Falmouth, Maine.

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 by-laws, regulations and ordinances not inconsistent with the Constitution and laws of the State of Maine, and impose penalties for the breach thereof not exceeding \$100 in any one case, to be recovered to the use of said town by appropriate action.

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 no mention of a particular power shall 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, each of whom shall be elected by the registered voters of the entire town. Each member shall be elected for a term of 3 years and until his successor is 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 qualified electors 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 Falmouth 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 of the foregoing, the council shall have power to:

204.1 Appoint and remove the town manager, and the town clerk; appoint the board of assessment review, the board of appeals and the planning board, and provide for the manner of appointment of the following officers, assessor, treasurer and town attorney.

204.2 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.

204.3 Make, alter and repeal ordinances; included under this power shall be 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 second-hand parts and salvage of automobiles; dealers in second-hand merchandise; hawkers and peddlers; employment agencies; itinerant vendors; public automobiles; taxicabs and motor buses; public wagons and trucks; amusements; exhibitions and performances; theaters; moving picture houses; inns; victualers; pawnbrokers; lodging houses of 4 lodging 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.

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

204.5 Adopt plats;

204.6 Adopt and modify the official map of the town;

204.7 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;

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

204.9 Create a housing authority;

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

204.11 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;

204.12 Recommend the annual budget to the town meeting;

204.13 Provide for an annual audit.

Sec. 205. Compensation. Councilmen shall receive \$10 for each council meeting upon attendance, not to exceed in the aggregate \$300 per year in full for their services. Such compensation may be changed by ordinance. 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. 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 3rd Monday in March 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 of 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 productions of records, 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 1954, chapter 1, sections 36 to 41.

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. 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 or may compel attendance of absent members. 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 adjournment was taken.

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.

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 a notice in a public place, shall be held by the council before any ordinance shall be passed. The passage of such ordinance shall not be effective until 30 days after such publication.

Sec. 214. Town clerk. The town clerk shall act as clerk of the council and 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, the town meeting 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.

Sec. 216. Appointment of town manager. The council shall appoint an officer of the town who shall have the title of town manager and shall have the powers and perform the duties in this charter provided. 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. 217. Removal of town manager. The council shall appoint the manager for an indefinite term and may remove him by a majority vote of its members. At least 30 days before such removal shall become effective, the council shall, by a majority vote of its members, adopt a preliminary resolution stating the reasons for his removal. The manager may reply in writing and may request a public hearing, which shall be held not earlier than 20 days nor later than 30 days after the filing of such request. After such public hearing if one be requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution, the council may suspend the manager from duty, but the regular salary of the manager shall continue to be paid to him during the period of suspension. If

removal is voted, the council shall cause to be paid to the manager forthwith any unpaid balance of his salary and his salary for the next 2 calendar months.

Sec. 218. 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.

Article III.

Town Manager.

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

Sec. 302. 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:

302.1 Appoint, prescribe the duties of, and, when necessary for the good of the service, remove all officers and employees of the town, 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.

302.2 Prepare the budget annually, submit it to the council and be responsible for its administration after adoption.

302.3 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.

302.4 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;

302.5 See that all laws and ordinances governing the town are faithfully executed;

302.6 Act as purchasing agent for all departments of the town, except the school department;

302.7 Perform such other duties as may be prescribed by this charter or required of him by the council, not inconsistent with this charter.

302.8 Prepare an administrative code, submit it to the council and be responsible for its administration after adoption.

Sec. 303. 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. 304. Administrative departments. There shall be a department of education and such other departments as may be established by ordinance upon the recommendation of the manager.

Sec. 305. Health officer. The manager shall appoint for an indefinite term a health officer who shall exercise such powers and perform such duties as may be conferred or imposed by law. The health officer shall meet such qualification as may be specified generally for such positions by the State Commissioner of Health and Welfare.

Article IV.

Department of Education.

Sec. 401. Board of education. The department of education shall be administered by a board of education, hereinafter referred to as the school board, which shall consist of 5 duly qualified electors of the Town of Falmouth, 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. 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 school board shall be qualified electors 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 school board 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 school board, 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 school board shall meet for organization 7 days from the date of their election. 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 school board shall be a quorum and they shall elect their own chairman.

Sec. 405. Powers and duties. The board of education shall have all the powers conferred and shall perform all the duties imposed by law upon superintending school committees in regard to the care and management of the public schools of the town, except as otherwise provided in this charter. The school board shall prepare budget estimates in detail of the several sums required during the ensuing budget year for the support of the public schools and at least 45 days before the beginning of the budget year, the school board shall furnish copies of such estimates to the manager.

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 least 35 days prior to the beginning of each budget 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:

502.1 Exact statement of the financial condition of the town.

502.2 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 next preceding fiscal year. An increase or decrease in any item shall be indicated.

502.3 An itemized statement of estimated revenue from all sources, other than taxation; and a statement of taxes required, comparative figures from current and next preceding year.

502.4 Such other information as may be required by the town council.

The proposed budget prepared by the manager shall be reviewed by the town council which shall approve the budget with or without amendments. The budget as approved by the town council shall be published and the town council shall fix the time and place for holding a public hearing for the budget, and shall give a public notice of such hearing. The council shall then review the budget and recommend it, with or without change, to the annual town meeting.

Sec. 503. Budget establishes 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 as 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 also by departments and kinds of expenditures, in such a manner as to present to 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; and the town meeting 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 and subject to the provisions of section 902, 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 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. Transfers of appropriations. At the request of the manager and within the last 3 months of the budget year, the council may by resolution transfer any unencumbered appropriation balance or portion thereof between general classification of expenditures within an office.

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:

603.1 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;

603.2 Administer oaths;

603.3 Take testimony;

603.4 Hold hearings;

603.5 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 town council and the school board shall be held on the 2nd Friday in March. The council may, by resolution, order a special election at any time to fill vacancies in the council.

Sec. 802. Nomination. Any qualified elector of the town may be nominated for the council or school board in accordance with the laws of the State of Maine.

Sec. 803. Municipal elections. Provisions of the laws of the State of Maine relating to the qualifications of electors, registration, the manner of voting, the duties of election officers and all other particulars respective 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 established for state elections shall be established for municipal elections by secret ballot.

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

Article IX.

The Town Meeting.

Sec. 901. Annual and special town meeting. An annual town meeting for the consideration of the budget and the transaction of other town business shall be held on the 2nd Friday in March; special town meetings may be called by the council.

Sec. 902. When action by town meeting required. The annual budget, any appropriation of \$2,000 or more in addition to or supplementary to the annual budget appropriation, the issuance of bonds or notes, except notes in anticipation of taxes to be paid within the fiscal year in which issued, shall become effective only after it has been adopted at a town meeting by the vote of a majority of those present and entitled to vote at such meeting. The town meeting shall not increase the amount of any appropriation above the amount recommended by the council or make any appropriation not recommended by the council and shall not increase the amount of any bond issue above the amount recommended by the council.

Sec. 903. Application. The provisions of this article shall not apply to any appointments of officers, of members of commissions or of boards made by said town council, or to the appointment or designation of officers of the town council, or to rules governing the procedure of the town council.

Sec. 904. Method of abolishing the town meeting. At any time within 5 years of the date of adoption of this charter, not less than 500 electors of the town may petition over their personal signatures for a special town meeting to vote upon the question of submitting to a referendum vote on the ballot at general or special town election the proposition of abolishing the town meeting. The council shall call such a special town meeting to be held within 30 days from the date of the filing of such petition with the town clerk. If a majority of the electors voting at such special town meeting shall vote to submit to a referendum the question of abolishing the town meeting in the Town of Falmouth, the proper election officials of the town shall take such steps as may be necessary to place such question upon the ballot at the next general election or at a special election called for that purpose as such special town meeting shall determine. If at such general election or special election a majority of the electors of the town voting on the question shall vote for the abolition of the town meeting of the Town of Falmouth, the powers heretofore vested in the town meeting shall be conferred upon and exercised by the town council.

Article X.

Initiative and Referendum.

Sec. 1001. Petition for overrule of action of council. All ordinances, resolutions or votes, except those making appointments or removals or regulating exclusively the internal procedure of the council, shall be subject to overrule by a referendum as follows:

If, within 10 days after the publication of any such ordinance, resolution or vote, a petition signed by not less than 400 electors of the Town of Falmouth is filed with the town clerk requesting its reference to a referendum the council shall fix the time and place of such referendum which shall be within 14 days after the filing of the petition, and notice thereof shall be given in the manner provided by law for the calling of a referendum. An ordinance, resolution or vote so referred shall take effect upon the conclusion of such meeting unless at least 500 electors, constituting a majority of those voting thereon, shall have voted in the negative.

Sec. 1002. Petition for enactment of ordinances. Subject to the provisions of section 1001, not less than 200 electors of the town may at any time petition over their personal signatures 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 referendum, to be held within 30 days from the date of such filing, unless prior to such meeting such ordinance shall be enacted by the council. The call for such referendum shall state the proposed ordinance in full and shall provide for a "yes" or "no" vote as to its enactment. Such ordinance shall take effect on the 10th day after the conclusion of such referendum provided that 500 electors, constituting 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. 1003. Petition for submission of amendments of charter to the Legislature. Not less than 200 electors of the town may at any time petition, over their personal signatures, for the submission of an amendment of this charter to the next regular session of the Legislature by filing such petition at least 90 days prior to the next regular session of the Legislature including the complete text of such amendment with the town clerk. The council shall call a referendum to be held at least 60 days prior to the opening of the next regular session of the Legislature. The referendum shall state the proposed amendment and shall provide for a "yes" or "no" vote for its submission to the Legislature. The proposed amendment shall be submitted to the next regular session of the Legislature provided that 500 electors, constituting a majority of those voting thereon, shall have voted in the affirmative.

Article XI.

General Provisions.

Sec. 1101. Repealing clause. All acts and parts of acts of the private and special laws of Maine relating to the Town of Falmouth, inconsistent with the provisions of this charter, are repealed.

Sec. 1102. Separability clause. If any portion of this act shall be held to be invalid, such decision shall not affect the validity of the remaining portions thereof.

Sec. 1103. Short title. This charter shall be known and may be cited as the "Council-Manager Charter of Town of Falmouth." The clerk shall cause it to be printed and made available to the public promptly.

Sec. 1104. 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 15th day of March, 1962.

Sec. 1105. 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. 1106. Summons before town council. The clerks of the Supreme Judicial and Superior Courts may issue summons for witnesses to attend and produce books, documents and papers at any meeting of the town council for the Town of Falmouth at which a hearing is had in any matter regarding any alleged dereliction, which summons shall be served as required to be sufficient in matters before the Supreme Judicial or Superior Courts. On complaint of failure to obey summons to the municipal court of the City of Portland, which court is expressly given jurisdiction to hear such complaints, said municipal court if it 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 by imprisonment for not more than 30 days, or by both. All rights of appeal are to be available as exist in the general laws of the State of Maine.

Sec. 1107. 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 Falmouth, and will faithfully discharge the duties of the office of"

Sec. 1108. Ordinances not inconsistent continue in force. All ordinances of the Town of Falmouth 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. 1109. 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 at any time. The decision of the manager, or other appointing officer, shall be final and there shall be no appeal therefrom to any other office, body or court whatsoever.

Sec. 1110. 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 therewith for the performance of such duties or the discontinuation of such office.

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 Falmouth at any regular or special town election or state-wide election held before January 2nd, 1962, 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 the several ward meetings of said town, 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 to Grant a New Charter to the Town of Falmouth', passed by the 100th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "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 voting 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 on the 2nd Friday in March, 1962.

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

Effective September 16, 1961

Chapter 173

AN ACT Relating to Determination of Quorum at Special Town Meetings in Kittery.

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

Determination of quorum. At the time set forth in the warrant for the special town meeting, the town clerk shall ascertain if a quorum is present by appointing 2 or more persons to actually count the number of voters present and make their returns to him. If it is found that a quorum is present, the meeting will proceed with the first article. If it is found that a quorum is not present, the town clerk will make the fact known and declare the meeting adjourned to such time and place as the selectmen shall determine.

Effective September 16, 1961

Chapter 174

AN ACT to Increase the Indebtedness of the Fort Fairfield Utilities District.

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and