

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 451

H. P. 344

House of Representatives, January 21, 1965

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

JEROME G. PLANTE, Clerk

Presented by Mr. Boissonneau of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Providing for a Mayor-Council Charter for the City of Westbrook.

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

ARTICLE I

Powers of the City

Sec. 1. Corporate existence retained. The inhabitants of the City of Westbrook, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal corporation under the name of "City of Westbrook."

Sec. 2. Form of Government. The municipal government provided by this charter shall be known as the "Mayor-Council Government."

Sec. 3. Powers of the city.

(a) The city shall have all the rights, powers and immunities and shall be subject to all the duties and obligations provided for herein, or now or hereinafter granted to municipal corporations by the Constitution and general laws of this State as fully and completely as though they were specifically enumerated in this charter, together with all the implied powers necessary or appropriate to carry into execution all the powers granted.

(b) The city may enact such bylaws, ordinances and regulations, not inconsistent, with the Constitution and laws of this State, as shall be needful to the good order of the city or as authorized by the general laws of this State, including ordinances regulating classes of persons, businesses and purposes and to grant licenses and permits therefor upon the payment by the licensee of such fees and filing of such bonds as may be provided for by such regulations; and may impose penalties for the breach thereof not exceeding \$100 for any one

offense, to be recovered to the use of said city on complaint before any municipal or District Court in the county.

(c) The city may acquire property within or without its corporate limits for any city 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.

(d) The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the State or any agencies thereof, or the United States or any agency thereof.

(e) The powers of the city under this charter shall be construed liberally in favor of the city and the specific mention of particular powers shall not be construed as limiting in any way the general powers of the city as granted herein, or as granted to the city as a municipality under the general laws of this State.

ARTICLE II

Government - Municipal Officers - Wards

Sec. 201. Government. The government of said city, with the administration of all its fiscal, prudential and municipal affairs, except as otherwise herein provided, shall be vested in one principal magistrate, to be called the mayor, and in one council of 13, to be called the city council, the members thereof to be called councilmen.

Sec. 202. Municipal officers. The mayor and members of the city council shall be and constitute the municipal officers of the city for all purposes required by statute and, except as otherwise herein specifically provided, shall have all the powers and authority given to, and perform all the duties required of, municipal officers and mayors under the laws of the State.

Sec. 203. Wards. The territory of said city shall continue to be divided into 5 wards as they now exist or as subsequently divided by ordinance by the city council to contain as near as may be, consistent with well-defined limits, an equal number of voters in each ward; except that it shall be the duty of the city council once in 10 years, and not oftener than once in 5 years, to review, and if needful, to alter such ward lines in such a manner as to preserve, as nearly as possible, an equal number of voters in each ward.

(a) **Precincts.** The city council may divide any ward into 2 or more precincts.

Sec. 204. Elections; terms of office. The mayor and 3 councilmen shall be elected from the citizens at large by the legal voters of the city voting in their respective wards. Two councilmen, a warden, a ward clerk and a constable shall be elected in each ward, being residents in the ward where elected; provided, however, when any ward is divided into 2 or more precincts, additional wardens, ward clerks and constables shall be elected by each precinct from the residents therein. All said officers shall be elected by a plurality of the votes given and shall hold office for 2 years from the first Monday in January and until others shall be elected and qualified in their places.

Sec. 205. City property care and management. The city council shall have legal custody of all the city buildings and lands; but the care, superintendence and management thereof shall be under the administrative direction of the mayor, except for school property as provided for in section 301.

ARTICLE III

Schools and School Committee

Sec. 301. School management. The general management and control of the public schools and the school property, buildings and grounds, including the insurance and repairs on such buildings, shall be vested in a school committee of 7, the members thereof to be called school committeemen.

Sec. 302. School committee. Commencing in December of 1965, on alternate biennial elections, one school committeeman-at-large and one each from wards 3 and 4 and then one at-large and one each from wards 1, 2 and 5 shall be elected by a plurality of votes given and shall hold office for 4 years from the first Monday in January and until their successors have been elected and qualified.

Sec. 303. Powers; chairman; superintendent.

(a) The school committee shall, in addition to the powers conferred upon them by this Act, be held to perform all the duties and be invested with all the rights and powers of school committees under the general laws of the State.

(b) On the first Monday of January, biennially, or as soon as possible thereafter, they shall meet, and the newly elected members, having been first duly sworn by the city clerk or a justice of the peace, shall elect one of their number chairman to serve a one-year term and until his successor is elected for the following year, and may adopt such rules and regulations for the management of the schools as are not inconsistent with the laws of the State.

(c) The committee, at the time of its organization or as soon thereafter as possible or whenever a vacancy occurs, shall appoint some duly qualified person, in accordance with the state laws and not a member of the board, as superintendent of schools for a term of not more than 2 years, which shall end on the 30th day of June; but shall have the right of discharge for cause, after due notice, before the expiration of said term in accordance with the provisions of the general laws of this State relative thereto.

(d) The superintendent need not be an inhabitant of the city at the time of his appointment. He shall be secretary and executive agent of the board, which shall fix his salary, to be paid from the city treasury as salaries of teachers are paid.

(e) The members of the school committee shall receive no compensation for their services as such.

Sec. 304. Plans for schools; approved. The city council shall not authorize the erection of a schoolhouse, or of any addition thereto, nor pass any appropriation for such purpose until plans for same have been approved by vote of the school committee, and such approval has been certified in writing to the city council by the chairman of said committee.

Sec. 305. Budget. The committee shall, when requested by the mayor, furnish budget estimates in detail of the several sums required during the ensuing budget year for the support of the public schools and shall make such financial and activity reports in writing whenever and in such form to the mayor as he may require.

Sec. 306. Meetings. The committee shall hold regular meetings and may hold such other special meetings as they may provide for by their own rules and regulations. All such meetings shall be open to the public, but the committee shall have the right to hold executive sessions subject to the provisions of the state laws regulating such executive sessions.

Sec. 307. Vacancy. A vacancy occurring in the school committee by death, resignation or removal from the city of any member thereof shall be filled for the unexpired term by a plurality vote of the remaining members from the ward where it occurs, or if at-large from any ward.

ARTICLE IV

Elections and Vacancies

Sec. 401. Biennial elections. The municipal elections shall take place biennially, on the 2nd Monday in December. All meetings of the citizens for municipal purposes shall be notified and called in their respective wards, by the mayor and councilmen, in the manner provided by the laws of this State.

Sec. 402. Ward meetings. The wardens shall preside at all ward meetings, with the powers of moderators at town meetings; and if at any ward meeting the warden shall not be present, the clerk shall preside till a warden, pro tempore, shall be chosen. If neither the warden nor clerk is present, any legal voter in the ward shall preside till a clerk, pro tempore, shall be chosen and qualified. The legal voters in each ward may choose 2 persons to assist the warden in receiving, sorting and counting votes.

Sec. 403. Vacancy in office of warden. If from any cause there shall be a vacancy in the office of warden or ward clerk in any of the wards of the city, the same shall be filled by appointment by the mayor for the unexpired term.

Sec. 404. Election of 2 or more persons. Whenever 2 or more persons are to be elected to the same office, the several persons up to the number to be chosen, receiving the highest number of votes shall be deemed and declared to be elected.

Sec. 405. New elections. If it shall appear that there is no choice of mayor, or any of the other officers to be elected from the citizens at large, or from any of the several wards, or if the person elected mayor, or any person or persons elected to any other of the offices aforesaid shall refuse to accept the office, or shall die before qualifying, or if a vacancy in the office of mayor shall occur subsequently and more than 3 months previous to the expiration of the municipal year, warrant shall forthwith be issued for a new election, and the same proceedings shall be had in all respects as hereinbefore provided, and shall be repeated until such election is completed.

Sec. 406. Vacancy in the office of the mayor. Whenever there shall be a vacancy in the office of mayor, and whenever by reason of sickness, or absence

from the city or other cause the mayor shall be disabled from performing the duties of his office, the president of the city council shall act as mayor and possess all the rights and powers of mayor during such vacancy or disability, except that when so acting as mayor, he shall not have the power of appointment or removal unless in any instance authorized by vote of the city council.

Sec. 407. Vacancy in the city council. A vacancy occurring in the city council by death, resignation or removal from the city of any member thereof shall be filled for the unexpired term by a plurality vote of the remaining members, voting by roll-call; and if such vacancy be occasioned by the death, resignation or removal from the city of a member elected by a ward, the same shall be filled from the ward where it occurs.

Sec. 408. Vacancy in the office of council president. In case of a vacancy in the office of president of the city council, by death, resignation or otherwise, the same shall be filled for the unexpired term by a plurality vote of the members voting by a roll-call vote.

Sec. 409. General elections. All meetings for the election of national, state and county officers shall be notified and warned and conducted in the manner provided by the Constitution and laws of the State.

Sec. 410. Citizens meetings. General meetings of the citizens qualified to vote may, from time to time, be held to consult upon the public good, to instruct their representatives and to take all lawful measures to obtain redress for any grievances according to the right secured to the people by the Constitution of this State; and such meeting shall be duly warned by the mayor upon the request of 50 qualified voters.

Sec. 411. Eligibility for election and holding office. No person shall be eligible for election to any office established by this Act, unless at the time of election he shall have been a citizen of the United States and a resident of the city for at least 3 months, except the office of superintendent of schools. Any elective office established by or under this Act shall become vacant if the incumbent thereof ceases to be a resident of the city.

Sec. 412. General election laws, applicability. Unless otherwise herein specifically provided for, all city elections shall be conducted in accordance with the laws of this State relative thereto.

ARTICLE V

Mayor - Councilmen - Council President

Sec. 501. New officers; oath of office. The mayor-elect and councilmen-elect shall biennially, on the first Monday of January, or as soon as possible thereafter, meet and be sworn to the faithful discharge of their duties. The oath shall be administered by the city clerk or any justice of the peace, and shall be duly certified on the journal of the city council. The city clerk shall be sworn by the city clerk of the previous term or any justice of the peace.

Sec. 502. Absence of mayor or councilmen. In case of the absence of the mayor-elect on the first Monday in January of the biennium or if a mayor shall

not then have been elected, the oath of office may at any time thereafter be administered to him in the presence of the city council; and at any time thereafter, in a like manner, the oath of the office may be administered to any member of the city council who has been previously absent, or has been subsequently elected; and every such oath shall be duly certified as aforesaid.

Sec. 503. Election of council president. After the oath has been administered to the councilmen present, they shall be called to order, at their first organization, by the city clerk, or in case of the absence of the clerk, by the oldest member present. The person so calling the city council to order shall proceed to call the roll of the members and each member shall declare his choice for president of the city council, who shall be a member thereof. If no quorum is present, an adjournment shall be taken to a later hour or to the next day, and thereafter the same proceedings shall be had from day to day until a quorum shall be present. If any person receives a majority of the votes of all the members of the city council present, such person shall be declared chosen president thereof. If, on the first day on which a quorum is present, no person receives such majority, the roll-call shall be repeated until some person receives the vote of such majority, or an adjournment is taken to the succeeding day and on such succeeding day when a quorum is present, a plurality of those voting shall be sufficient for an election.

Sec. 504. Removal of council president. The president may be removed from office by the affirmative vote of 10 members of the city council taken by roll-call.

Sec. 505. City council journal. The city clerk shall be, ex officio, clerk of the city council and shall keep a journal containing a record of the proceedings of the city council and a record-at-large of all votes taken by roll-call, and shall sign and attest all ordinances and resolutions of the city council. The journal shall be a public record and open to public inspection.

Sec. 506. Executive powers of the mayor. The executive powers of the city shall be vested wholly in the mayor, and may be exercised by him either personally or through the several officers and boards of the city in their departments, under his general supervision and control. In case of a vacancy in any office to which appointment is made by the mayor, he may personally perform the duties thereof, with the consent of the council, but he shall not be entitled to receive any salary or pay attached thereto.

Sec. 507. Members of council to hold no other office. No member of the city council shall, during the time for which he is elected, hold any other office in or under the city government, have the expenditures of any money appropriated by the city council, or act as counsel in any matter before the city council or any committee thereof; and no person shall be eligible for appointment to any municipal office established by the city council during any municipal year within which he was a member thereof, until the expiration of the succeeding municipal year.

Sec. 508. Removal of the mayor, procedure.

(a) At any meeting of the city council, it shall be in order for any member thereof to give written notice, seconded in writing by a majority at least of all the members of the city council, of his intention to move, at the next meeting

thereof, occurring within not less than 10 days, a resolution that the mayor be removed for official misconduct or neglect of duty.

(b) Such notice shall specify as particularly as possible the acts of misconduct or the instances of neglect of duty complained of, shall be entered at large by the clerk in the minutes of the city council, and the clerk shall within 2 days serve a copy thereof upon the mayor and mail a copy to each of the members of the city council at his residence. At such next meeting of the city council, the mayor shall have the right to speak in his own defense, and to be heard by counsel.

(c) The vote on the resolution shall be by roll-call. If the resolution fails to receive the affirmative vote of $\frac{3}{4}$ of all the members of the city council, it shall have no effect and shall not be reintroduced during that meeting of the city council. If it receives the affirmative vote of $\frac{3}{4}$ of all the members of the city council, it shall, upon the service of a copy thereof upon the mayor, personally or by leaving the same at his last and usual place of residence, take effect, and the office of mayor shall thereupon become vacant.

(d) If such a vacancy shall occur more than 3 months previous to the expiration of the municipal year, the city council shall thereupon cause a warrant for a new election for mayor to be issued as provided for in section 405 hereof.

ARTICLE VI

City Council—Meetings

Sec. 601. Council rules of order. The city council shall establish the rules of order for its own proceedings, may provide for its own committees and be judge of the election returns and qualifications of its own members.

Sec. 602. President pro tempore. In case of the absence of the president the city council shall choose a president, pro tempore, and a plurality of the votes cast shall be sufficient for a choice.

Sec. 603. Roll-call votes. The vote of the city council upon any question shall be taken by roll-call, when the same is requested by at least 3 members.

Sec. 604. Quorum. A majority of all the members of the city council shall constitute a quorum, but a smaller number may adjourn from time to time.

Sec. 605. Legislative power. The city council shall, so far as not inconsistent with the Act, have and exercise all the legislative powers of municipalities, and have all the powers and be subject to all the liabilities of city councils, and either branch thereof under the general laws of this State.

Sec. 606. Regular and special meetings. The city council shall by its rules and orders establish the time of holding its stated or regular meetings, and may also, in like manner, determine the manner of calling special meetings of its members in addition to those which may be called by the mayor.

Sec. 607. Meetings called by the mayor. The mayor may at any time call a special meeting of the city council by causing written notification thereof, together with a statement of the subjects to be considered thereat, to be left at the

usual place of residence of each member of the city council or served in person on such member, at least 24 hours before the time appointed for such meeting.

Sec. 608. Meetings open to the public. All such meetings of the city council shall be open to the public, but the council shall have the right to hold executive sessions subject to the provisions of the state laws regulating such executive sessions.

ARTICLE VII

Ordinances - Veto Powers of the Mayor - Saving Clause

Sec. 701. General provisions. The city council shall act only by ordinance, order or resolve. All ordinances, orders and resolves, except those pertaining to appropriations, shall be confined to one subject which is clearly stated in the title. The appropriating ordinance shall be confined to the subject of appropriations only. In addition to such acts as are required by statute or by this charter to be by ordinance, every act of the council establishing a fine or other penalty shall be by ordinance. The enacting clause of all ordinances shall be, "The Council of the City of Westbrook hereby ordains."

Sec. 702. Codes of technical regulations. The city council may adopt any standard code of technical regulations by reference thereto, in whole or in part, in an adopting ordinance and a copy of each such a code as adopted shall be signed, attested and kept on file by the city clerk with the council journal as a public record.

Sec. 703. Procedure for passage.

(a) Any ordinance, order or resolution which involves the appropriation or expenditure of money which may exceed \$250, or the laying of an assessment, or the granting to a person or corporation of any right in, over or under any street or other public ground of said city, shall require the affirmative votes of a majority of all the members of the city council for its passage.

(b) All ordinances and all such orders or resolutions shall be read twice, with an interval of at least 3 days between the 2 readings, before being finally passed, with or without amendment, and the vote upon its final passage shall be by roll-call; but at the discretion of the council, they may be tabled from time to time. On the 2nd reading the council shall hold a public hearing at which all persons interested shall be given an opportunity to be heard and which may be adjourned from time to time.

Sec. 704. Effective date. Every ordinance, order or resolution, unless it shall specify a later date or unless passed without the mayor's approval, as hereinafter provided for, shall become effective when signed by the mayor. If it may be passed without the mayor's approval or is passed without such approval as hereinafter provided for, it shall become effective upon its final passage unless a later date is so specified.

Sec. 705. Veto powers of the mayor.

(a) Every ordinance, order or resolution of the city council, except such as relates to its own internal affairs, to its own officers to the removal of the

mayor, or to the declaration of a vacancy in the office of mayor, shall be presented to the mayor for approval. If not approved by him, he shall return it, with his objections, at the next regular meeting of the city council, and the city council shall cause such objections to be entered at large upon its journal, and shall proceed to reconsider the same.

(b) If upon such reconsideration, it shall be passed by a $2/3$ vote of all the members of the city council, it shall have the same effect as if signed by the mayor.

(c) In case of a vacancy in the office of mayor when such ordinance, order, resolution or vote is finally passed, it shall go into effect without approval but must be passed by a roll-call of a majority of all the members of the city council.

(d) Whenever any ordinance, order, resolution or vote of the city council involves an appropriation or expenditure of money, the mayor may approve it as a whole, or he may approve or disapprove specific items thereof, and the portions approved shall then be in force in like manner as if no part thereof had been disapproved, and the items disapproved shall thereupon take the course herein provided for orders or ordinances disapproved as a whole.

Sec. 706. Saving clause. All ordinances, bylaws and regulations of the City of Westbrook in force at the time when this Act takes effect, not inconsistent with the provisions of this charter, shall continue in force until they expire by limitation or shall be amended or repealed by the city council.

ARTICLE VIII

Administrative Departments

Sec. 801. Departments, established. There shall be the following administrative departments: Fire, Police, Finance, Public Works, Parks and Cemeteries, Health and Sanitation, Welfare and such other administrative departments as may be established by the city council and which shall be subject to the provisions of this article. The council shall by ordinance establish the rules and regulations for the government of such departments.

Sec. 802. Department heads. At the head of each department there shall be an officer of the city who shall have the supervision and control of the department under the general supervision of all such departments by the mayor. The heads of the police and fire departments shall be designated "chief" and the other department heads shall be designated "director." Two or more departments may be headed by the same individual with the approval of the council, but no function assigned by this charter to a particular department may be discontinued.

Sec. 803. Qualifications. The heads of such departments and all other officers that shall be appointed under the provisions of this article shall be appointed solely on the basis of their character and professional ability and qualifications, through education, training or experience, to perform the particular duties required of the head of such departments or of such office, with special reference to their actual experience in, or their knowledge of, accepted practice in respect to such duties, as set forth in this charter, or as required by city ordinance. Such

appointees need not be a resident of the city at the time of his appointment but may reside outside the city while in office only with the approval of the council.

Sec. 804. Appointment, removal, compensation, duties.

(a) On the first Monday of January following the approval of this Act, or as soon as practicable thereafter, the heads of such departments and also a city clerk, a city assessor and a city solicitor, who shall be a duly qualified attorney, shall be appointed by the mayor, with the approval of $\frac{2}{3}$ of the members of the council by a roll-call vote. Each such appointee shall hold office until: (1) Retirement or; (2) he resigns and such resignation is accepted, or; (3) he is removed by the mayor with the approval of the majority of the members of the council by a roll-call vote.

(b) When any such office is vacant for any cause, the mayor, with a majority vote of the council, may fill such vacancy by an appointment pro tem for a period not in excess of 6 months and in like manner may renew or make a new pro tem appointment for one additional period not in excess of 6 months, which terms shall expire when such new appointments are made as herein provided for.

(c) The salary or rate of compensation of all such appointees shall be fixed by the council and all fees received by such officers relative to the operations of such departments and offices shall be accounted for and deposited in the city treasury.

(d) All of such officers shall perform all the duties prescribed by the laws of this State and city ordinance for their respective offices and such other duties not inconsistent with the nature of their respective offices as the mayor or city council may from time to time prescribe. They shall give a surety bond for the faithful performance of the duties of their office as may be required by the council and shall promptly account for all moneys, papers and other property belonging to said city.

Sec. 805. Additional officers and personnel. The council shall provide for such other additional officers and personnel for the city's police, fire and other departments, including assistants or deputies in any office, as it may prescribe, or as required by the laws of this State, and shall provide for the classification of all such positions based on the duties, authority and responsibility of each position, with provisions for reclassification of any position when warranted by changed circumstances, and shall establish policies and procedures regulating all such officers and employees, not inconsistent with the laws of this State, and the salaries or rate of compensation for such employment.

Sec. 806. Public safety commission. The council shall provide for a public safety commission, consisting of 5 members, to administer the rules and regulations for the appointment, promotion, demotion, suspension, reinstatement and removal of the members of the police and fire department as adopted by the council and to perform such duties relative thereto as the council may prescribe.

Sec. 807. City clerk, duties. The city clerk shall act as secretary of the city council, shall give notice of its meetings, shall attend all meetings of the city

council and keep the journal of its proceedings, shall authenticate by his signature and record in a book kept for the purpose all ordinances and resolutions duly indexed and open to public inspection and shall perform such other duties as shall be required by this charter or by ordinance. He shall issue to every person elected to any office by the city council or appointed by the mayor, a certificate of such appointment. He shall perform all duties and exercise all powers incumbent upon or vested in town and city clerks generally which are not inconsistent with this charter, and shall be the custodian of the seal of the city. In case of the temporary absence of the city clerk, the city council may appoint a clerk pro tempore, with all the powers, duties and obligations of the city clerk, who shall be duly qualified.

ARTICLE IX

Tax Administration

Sec. 901. Division of Assessment. There shall be established in the department of finance a division of assessment, the head of which shall be the city assessor who shall be appointed under the provisions of section 804. The powers, duties and responsibilities conferred or imposed by law upon a board of assessors are hereby granted to the city assessor and he may appoint, subject to council approval, such assistant assessors as the public exigency requires. The employment of such assistant assessors shall not extend beyond the period of the municipal year during which they are appointed.

Sec. 902. Method of assessment. All assessments for taxation, their methods, definitions, exceptions and exemptions, for the city shall be as prescribed by the Statutes of the State of Maine.

Sec. 903. Board of assessment review; election; vacancies. There shall be a board of assessment review to consist of 5 members not otherwise connected with the city government who shall be elected by a majority vote of all the members of the city council to serve for a term of 3 years from the 2nd Monday in January and until their successor is elected, except that on the 2nd Monday in January, or as soon as practicable thereafter, following the approval of this Act the council shall elect one member to serve 3 years, 2 members to serve 2 years and 2 members to serve one year. Compensation, if any, to such members shall be determined by the city council. Vacancies in the membership of such board shall be filled by election by the council for the unexpired term.

Sec. 904. Qualifications. There shall be one member of the board from each ward and all members of such boards shall be elected upon the basis of their knowledge of the subject of taxation and property values and shall at the time of their election have been residents of the city for at least 3 years immediately preceding and shall continue as residents during their terms of office. If a member of such board shall cease to be a resident, his office shall thereby become vacant.

Sec. 905. Powers and duties.

(a) The board of assessment review shall have conferred upon it such powers of review and abatement as are conferred upon boards of assessors by statute.

(b) Such board shall annually choose from its membership a chairman and secretary, except that in lieu of one of the members of such board serving as secretary, the council may authorize such board to appoint either a full-time or part-time non-member secretary and to fix his compensation. Such board shall have power within the limits of its budget appropriation to employ such other necessary clerical assistance and to employ or contract for such technical assistance as may be necessary from time to time in the performance of its duties. The board shall be required to keep an accurate record of all its proceedings, which shall be available for public inspection.

(c) The board shall have the power to: (1) Review on complaint of property owners assessments for taxation made by the city assessor; and (2) Administer oaths, take testimony and hold hearings for the review of such assessments.

Sec. 906. Hearings and appeals. All hearings and appeals therefrom shall be in such manner as prescribed by statute. In addition to the certification of abatement to the director of finance, the board, through its secretary, shall notify the city assessor of such determination, who shall make such correction upon the assessment roll. The board shall establish such rules and procedures for the conducting of its hearings as are not inconsistent with the general laws governing such hearings.

Sec. 907. Tax abatements. Tax abatements made by the city assessor, other than those certified by the board of assessment review, shall be (1) approved by the director of finance and (2) reported in writing to the city council at its regular monthly meeting, prior to becoming effective. Such report to the city council shall state in the case of each abatement, the name of the taxpayer, the type and location of the property involved, the amount of the original assessment, the amount of abatement and reason therefor.

Sec. 908. Service of tax papers. Police officers of the City of Westbrook are hereby authorized to exercise, within the limits of said city, all of the common law and statutory powers of constables, including the power to serve such papers in connection with delinquent or unpaid taxes as the director of finance may request, and such police officers shall collect in behalf of the city the same fees which are now or may hereafter be authorized by law to be paid to county sheriffs for similar duties, such fees to be added to the tax as a cost in each case.

ARTICLE X

Department of Public Works

Sec. 1001. Public works department divisions. Under the department of public works, there shall be a sewerage division and such other divisions as the council may establish and the head of the department, as appointed under section 804, may also serve as the head of such divisions as authorized by the council.

Sec. 1002. Sewerage division. The sewerage division of the department shall maintain and operate the public sewerage system in the city as it now exists or is hereafter extended.

Sec. 1003. Sewerage commission; election and duties.

(a) The council shall establish a board of sewerage commissioners composed of 3 members, who shall be residents of the city and not otherwise connected with the city government. The members shall be elected by the council for a term of 3 years from the 2nd Monday in January and until their successors are elected, except that on the 2nd Monday in January, or as soon as practicable thereafter, following the approval of this Act, the council shall first elect such members to serve one, 2 and 3-year terms, respectively. Compensation, if any, to such members shall be fixed by the council and vacancies shall be filled by election for the unexpired term. If any member of such board shall cease to be a resident, the office shall thereby become vacant.

(b) The board shall, subject to the approval of the council, establish rules and regulations for the operation and maintenance of the public sewerage system as it now exists or is hereafter extended and shall administer the same under the general supervision of the mayor.

(c) The board shall formulate a budget for the division, plan its work and recommend to the council such extensions to the system as it may deem necessary or advisable for the benefit and development of the city in accordance with the city's master plan.

(d) At the request of the council, the board shall advise as to what, if any, rates, rents, entrance and other charges should be charged relative to use of said sewerage system, but all such charges shall be fixed by the city council. It shall also perform such other duties relative to the operation and maintenance of the system as the council may require.

Sec. 1004. Public sewers, extensions. Upon the acceptance of this Act, title to all the public sewers, their rights-of-way, their pumping stations and other appurtenances throughout the city, formerly of the Westbrook Sewerage District, shall become vested in and maintained by the city and the city council shall have the right to determine what extensions to the sewerage system shall be made to furnish sewerage facilities to portions of the city not now served with such facilities, subject to the authority of the State Department of Health and Welfare, the Water Improvement Commission and the Public Utilities Commission; and the city shall have the power to make assessments for the costs of such extensions. The council may also establish such rates, rents, entrance and other charges for the use of said sewerage system against the owners of the property served by said system or to which such service is available as it may deem necessary to help defray the cost of maintaining and operating the system.

Sec. 1005. Assessments. When any extension to the sewerage system is completed, the municipal officers shall, with the advice of the board of sewerage commissioners, determine what lots or parcels of land are benefited thereby and assess upon such lots and parcels of land and against the owner or co-owner thereof, or against whom the taxes thereon are assessed, whether person or corporations, such sums not exceeding such benefit as it may deem just and equitable towards defraying the costs of constructing and completing such extensions together with its necessary appurtenances, provided that the whole

of such assessments shall not exceed $\frac{2}{3}$ the cost of same, and such extensions shall thereafter be maintained by the city.

Sec. 1006. Hearing; notice; appeal. After making such assessments, the municipal officers shall conduct a hearing thereon with due notice thereof in accordance with the procedure set forth in the Revised Statutes of 1964 relative to assessments for public sewers and may revise such assessments; and any aggrieved party may appeal as therein set forth.

Sec. 1007. Liens. There shall be a lien on the real estate served by the said sewerage system, or to which such service is available, to secure payment of the charges and assessments established, as herein provided for, which shall take precedence over all other claims on such real estate, excepting only claims for taxes. Such liens may be perfected and enforced in accordance with the provisions set forth in the Revised Statutes of 1964 relative to liens for municipal sewer assessments.

Sec. 1008. Collection of assessments and charges. In addition to the right to perfect and enforce the lien for such charges and assessments herein created and without waiver of such rights, the city may proceed by any other method provided under the general laws of this State for the collection of charges and assessments for public sewers by a special tax assessment and shall also have the right to maintain a civil action against the party so assessed for the amount of said assessment with interest on same from the date of the assessment and costs, as therein provided for.

Sec. 1009. Right of eminent domain. The city is hereby authorized and empowered to exercise the right of eminent domain to acquire any land, real estate or easement therein which it may deem necessary for the operation and maintenance of said sewerage system and extensions thereof; provided, however, nothing herein shall be construed as authorizing the city to take by right of eminent domain any of the property or facilities of any other public service corporation, used or acquired by it for future use in the performance of a public duty, contrary to the laws of this State. Such right of eminent domain shall be exercised only after due notice and a hearing thereon in accordance with the procedure set forth in the Revised Statutes of 1964 relative to the taking of property for town ways.

Sec. 1010. Westbrook Sewerage District; reversion to city. Upon the acceptance of this Act, the Westbrook Sewerage District shall cease to be a body politic and cease to function as a legal entity and all its property, real, personal and mixed, actions, choses in action, obligations, accounts payable and accounts receivable shall revert to the City of Westbrook, as provided for by section 7 of chapter 107 of the Private and Special Laws of 1963.

ARTICLE XI

Welfare Department

Sec. 1101. Welfare director. The welfare director shall be the statutory agent of the overseers of the poor and shall be responsible for the operation of the welfare department under their supervision, but shall be administratively responsible to the mayor.

Sec. 1102. Overseers of the poor. There shall be 3 overseers of the poor, who shall be residents of the city to be appointed by the mayor. They shall exercise the powers and be subject to the duties prescribed for such overseers by the laws of this State and shall each serve for 3 years from the first Monday in January of the year of their appointment, unless sooner removed by the mayor. However, the first such appointments after the acceptance of this Act shall be for one, 2 and 3 terms, respectively, and vacancies shall be filled for the unexpired term. The compensation of such appointees shall be fixed by the council.

ARTICLE XII

Department of Finance

Sec. 1201. Director of finance, powers and duties. The director of finance shall be administratively responsible to the mayor and shall exercise all the powers and perform all the duties conferred or imposed by law upon a city treasurer and a tax collector. He shall perform such other duties not inconsistent with the nature of his office as the council may prescribe for the administration of the financial affairs of the city and shall have authority and be required to:

- (a) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded;
- (b) Maintain a general accounting system for the city government and each of its offices, departments and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as he may deem expedient;
- (c) Prepare for the mayor and council a complete financial statement and report as of the end of each fiscal year;
- (d) Submit to the council through the mayor a monthly statement of all receipts and disbursements in sufficient detail to show the financial condition of the city;
- (e) Collect all taxes, special assessments, license fees and other revenues of the city or for which collection the city is responsible and receive all money receivable by the city from the State or Federal Government, or from any court, or from any office, department or agency of the city;
- (f) Have custody of all public funds belonging to or under the control of the city, or any office, department or agency of the city government, and deposit all funds coming unto his hands in such depositories as may be designated by resolution of the council, or, if no such resolution be adopted, by the mayor, subject to the requirements of law as to surety and the payment of interest on deposits, but all such interest shall be the property of the city and shall be accounted for and credited to the proper account;

(g) Have custody of all investments and invested funds of the city government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration or exchange;

(h) Compile the current income and expense estimates for the budget for the mayor.

Sec. 1202. Accounting supervision and control. The director of finance shall have the power and be required to:

(a) Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the city government;

(b) Examine and certify all contracts, orders and other documents by which the city government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations shall become due and payable;

(c) Audit and certify before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and with the advice of the city attorney determine the regularity, legality and correctness of such claims, demands or charges;

(d) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the city government apart from or subsidiary to the accounts kept in his office.

Sec. 1203. Independent annual audit. The city council shall provide for an independent annual audit of all its city's financial affairs in accordance with the provisions of the state law for such audits.

ARTICLE XIII

Department of Parks and Cemeteries

Sec. 1301. Director. The director of parks and cemeteries shall be responsible for the care and maintenance of all the city's parks and cemeteries, including the Saccharappa Cemetery and the Woodlawn Cemetery, which shall be under the control of the city council, but managed by the board of trustees of parks and cemeteries, under the general supervision of the mayor.

Sec. 1302. Board of trustees. There shall be a 3-member board of trustees of parks and cemeteries, who shall be residents of the city, but not otherwise connected with the city government, to be appointed by the mayor. The board shall administer the rules and regulations for use, care and management of all the city's parks and cemeteries as adopted by the council and shall administer the trust funds relative thereto, in accordance with the provisions of the state laws relative to such trust funds, under the supervision and control of the director of finance. The said trustees shall each serve for 3 years from the first Monday in January of the year of their appointment, unless sooner removed by the mayor. However, the first such appointments after the acceptance of this Act shall be for one, 2 and 3-year terms respectively and vacancies shall be filled for an unexpired term.

Sec. 1303. Rules and regulations. The city council may by ordinance adopt such rules and regulations, not inconsistent with the Constitution and laws of the State, as shall be needful for the proper use, care and management of all the said parks and cemeteries and provide for fines and penalties for a breach thereof, not exceeding \$100 for any one offense, which may be recovered to the use of the city on complaint before the municipal or District Court.

ARTICLE XIV

Administrative Assistant to the Mayor

Sec. 1401. Appointment. An administrative assistant to the mayor may be appointed by the mayor, subject to the approval of a $\frac{3}{4}$ vote of all the members of the city council by a roll-call vote. He shall hold office for the term of one year from the first Monday of January, unless sooner removed. His salary or rate of compensation shall be fixed by the council.

Sec. 1402. Reappointment. Any person who has been so appointed with the approval of the council, as aforesaid, may be reappointed by the mayor for a subsequent and successive one-year term without the approval of the council, but all such terms must be successive.

Sec. 1403. Powers and duties. The administrative assistant shall have the power to act and shall be :

(a) Executive assistant to the mayor with all the administrative powers of the mayor that may be delegated to him by the mayor, except the power of appointment.

(b) **Purchasing agent of the city.** However, all purchases of the city shall be made in accordance with the rules and regulations as the council may prescribe by ordinance relative thereto.

(c) He shall prepare and furnish such data and statistical reports relative to the operation of the municipal affairs of the city and its various departments and agencies as the mayor and the council may from time to time require.

(d) He shall also perform such other municipal administrative duties as the mayor and the council may from time to time prescribe, and may serve as acting head of any department of the city if so appointed by the mayor, with the approval of the council.

Sec. 1404. Removal. Any such appointee may be removed from office by the mayor, by a written order, for any cause which he shall in his official discretion deem sufficient, which cause he shall assign in his order of removal. Such office shall become vacant upon the filing of the order with the city clerk and shall be a public record. A copy thereof shall be promptly served by the city clerk upon the person so removed, in person or by certified mail, addressed to his last or usual place of residence.

Sec. 1405. Vacancy. If no such administrative assistant is appointed by the mayor or if the office is vacant for any other reason, the mayor shall act as purchasing agent under the same rules and regulations governing such purchases.

ARTICLE XV**Appropriations and Budget**

Sec. 1501. Appropriations. The city may raise or appropriate money for any purpose which a municipality may raise or appropriate such money under the general laws of this State and may issue capital improvement and revenue bonds and establish reserve funds in accordance with the conditions and regulations relative thereto as therein provided for. And, unless otherwise herein provided for, all such appropriations shall be made in accordance with the rules, regulations and procedures set forth in the general laws of this State relative to such municipal appropriations.

Sec. 1502. Fiscal year. The fiscal year of the city shall begin on the first day of January and end on the last day of December of each calendar year.

Sec. 1503. Submission of budget. On or before the 2nd Monday in January after the beginning of each budget year the mayor shall cause to be prepared and submit to the council a budget for the ensuing year with an accompanying message.

Sec. 1504. Budget. The budget shall provide a complete financial plan of all city funds and activities, including schools, for the ensuing year and, except as required by law or this charter, shall be in such form as the mayor deems desirable or the council may require.

The budget shall contain :

1. A general summary;
2. Detailed estimates of all anticipated revenues;
3. All proposed expenditures.

The total of proposed expenditures shall not exceed the total of estimated income.

Sec. 1505. Capital program. The mayor shall cause to be prepared along with the annual budget a capital program of proposed capital projects for the 5 years next succeeding the budget year, together with his comments thereon.

The capital program shall include :

1. A clear summary of its contents;
2. A list of all capital improvements proposed to be undertaken in the next 5 years;
3. Cost estimates, methods of financing and recommended time schedules for each improvement.

Sec. 1506. Council action on budget. At the meeting of the council at which time the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget and shall cause to be published a notice of the place and time along with a summary of the budget, but

such hearing shall not be later than the 2nd Monday of February of the current budget year.

(a) **Amendment before adoption.** After the public hearing, the council may adopt the budget with or without amendment. It may add or increase programs or amounts and may delete or decrease programs or amounts, except expenditures required by law.

(b) **Adoption of budget; vote required.** The budget shall be finally adopted not later than 75 days after the beginning of the fiscal year. The budget shall be adopted as an appropriation ordinance by a favorable vote of at least a majority of all the members of the council.

Should the council take no final action on or before such date, the budget, as submitted, shall be deemed to have been finally adopted by the council.

Adoption of the budget by an appropriation ordinance shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

Sec. 1507. Budget a public record. Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the city to be designated by the council.

Sec. 1508. Supplemental and emergency appropriations. If during the fiscal year the mayor certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

Whenever it shall appear to the council that the life, health, property or the public peace may be adversely affected because of actual or threatened national emergency, forces of the natural elements, fires, explosions, strikes, epidemics, civil strife or commotion, or any other circumstances hazardous or dangerous to life, limb or property, the council may make emergency appropriations.

To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by emergency ordinance authorize the issuance of notes which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

Sec. 1509. Reduction of appropriations. If at any time during the fiscal year it appears probable to the mayor that the revenues available will be insufficient to meet the amount appropriated, he shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The city council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

Sec. 1510. Transfer of appropriations. At any time during the fiscal year, the mayor may transfer part or all of any unencumbered appropriation balance within a department, office or agency and, upon written request by the mayor,

the council may by order transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

Sec. 1511. Lapse of appropriations. Every unencumbered appropriation, except an appropriation for a capital expenditure or when specifically excluded by law, shall lapse at the close of the fiscal year. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

ARTICLE XVI

Borrowing For Capital Improvements

Sec. 1601. Definitions. As used in this charter, "Capital project" or "project" mean:

- (a) Any physical public betterment or improvement and any preliminary studies and surveys relative thereto;
- (b) The acquisition of property of a permanent nature;
- (c) The purchase of equipment for any public betterment or improvement when first erected or acquired;
- (d) The purchase of equipment and vehicles, either the first acquisition or replacement thereof, for use by the various departments of the city.

"Pending," when applied to capital project, means authorized, but not yet completed.

Sec. 1602. Power to incur indebtedness by issuing bonds and notes. The city may incur indebtedness by issuing bonds, and notes in anticipation of bonds, pursuant to this charter, to finance any capital project which it may lawfully construct or acquire.

Sec. 1603. Bond ordinance; vote required. The city shall authorize the issuance of bonds by a "bond ordinance" passed by the affirmative vote of at least a majority of the members of its council.

Sec. 1604. Form and content of bond ordinance. A bond ordinance shall contain in substance at least the following provisions:

- (a) An appropriation of a sum of money for a capital project, described in brief and general terms sufficient for reasonable identification.
- (b) To finance the said appropriation, an authorization of the incurring of indebtedness by the issuance of bonds in a stated amount pursuant to this charter.
- (c) A statement of the estimated maximum cost of the capital project, including any sums theretofore or thereby appropriated.
- (d) A determination of the net debt of the city after issuance of the bonds thereby authorized, together with the declaration that the bonds thereby authorized will be within the debt limitation prescribed by the Constitution of the State of Maine. For the purposes of this section, "net debt" is de-

fined as the total of all outstanding bonds and notes, excepting tax anticipation notes, plus accounts payable overdue more than 60 days and minus any funds in a sinking fund which are available only by debt retirement.

Sec. 1605. Title of bond ordinance; citation. The title of a bond ordinance shall state the amount appropriated for an indicated project and the amount of bonds authorized to finance the appropriation. Bond ordinances shall be cited in bonds and notes by title and date of final passage.

Sec. 1606. Form and content when 2 or more projects are combined. A bond ordinance may combine 2 or more projects, in which event it shall, for each project, establish a separate appropriation and state separately the estimated maximum costs and amounts of down payments, but shall authorize a single issue of bonds to finance the aggregate of the appropriations thereby made. The title of such bond ordinance may state the aggregate of the appropriation, instead of the respective amounts.

Sec. 1607. Form and content; average period of usefulness. If a bond ordinance combines 2 or more projects, it shall, in addition to determining the respective periods of usefulness, determine the average period, taking into consideration the respective amounts of bonds for the several projects.

Sec. 1608. Procedure for passage of bond ordinance. The procedure for passage of bond ordinance shall be the same as that prescribed by section 703, subsection (b) for other ordinances of the city.

Sec. 1609. Effective date of bond ordinance. Each bond ordinance shall take effect as prescribed in section 704.

Sec. 1610. Authorization of notes in anticipation of bonds; maturity. In anticipation of the issuance of bonds, the council may by resolution authorize the issuance of negotiable notes, when it shall have theretofore authorized the issuance of bonds. Each such note shall be designated "bond anticipation note" and, including renewals, shall mature and be paid not more than 14 calendar months after the date of issuance of the original note. With the approval of the council, all bond anticipation notes may be sold by the director of finance at private sale without previous offering.

Sec. 1611. Other proceedings by resolution. All matters in connection with the authorization, sale and issuance of the bonds or notes not specifically required to be provided in the bond ordinance may be determined or provided by subsequent resolutions adopted by the affirmative votes of at least a majority of the members of the council.

Sec. 1612. Special debt statement. In connection with any bond ordinance and prior to the date of introduction thereof, the director of finance may prepare, swear to and file for public inspection in the office of the city clerk, a special debt statement which shall set forth the aggregate principal amount of all outstanding bonds and notes of the city, excepting tax anticipation notes; deductions permitted by the Constitution and general laws; the amount of the existing net indebtedness; the amount of the net indebtedness after the issuance of the bonds authorized by such bond ordinance; and the aggregate principal amount of bonds and notes which the city may issue pursuant to law.

Sec. 1613. Special debt statement presumed to be accurate. If the special debt statement provided for by section 1612 be filed pursuant to the said section and be approved by resolution of the council prior to the final passage of the bond ordinance by the affirmative vote of at least a majority of all the members of the council, such special debt statement shall be presumed to be accurate.

Sec. 1614. Legal effect of special debt statement. After the issuance of any bonds or notes in reliance on a special debt statement made, filed and approved in accordance with the provisions of sections 1612 to 1613, the accuracy and sufficiency of such special debt statement shall not be contested in any suit, action or proceeding relating to the validity of such bonds or notes and such bonds or notes shall be conclusively presumed to be within all debt or other limitations prescribed by this charter or the Constitution or any law of this State.

Sec. 1615. All bonds paid in annual installments. Bonds issued after the adoption of this charter shall be made payable in annual, serial and approximately equal installments as pertains to principal, and interest shall be made payable semiannually.

Sec. 1616. First annual installment. The first annual installment shall be paid not more than one year, or if the bonds are issued to fund notes, not more than 2 years after the date of final passage of the bond ordinance by virtue of which they are issued.

Sec. 1617. Last annual installment. The last annual installment of each authorized issue of bonds shall be paid not later than the date of expiration of the period of usefulness of the project for the financing of which such bonds are issued, or of the average period of 2 or more combined projects, as determined in the bond ordinance authorizing the issuance of the bonds.

Sec. 1618. Period of usefulness computed from date of passage. The period of usefulness of each project and the average period in the case of 2 or more projects combined in one authorized issue, shall be computed from the date of final passage of the bond ordinance by virtue of which the bonds are issued.

Sec. 1619. Period of usefulness. Every issue of bonds shall be payable within a fixed term of years which shall in no case exceed 30 years.

Sec. 1620. Determination of period of usefulness. Within the foregoing maximum periods, bonds shall mature not later than the expiration of the period of probable usefulness of the capital project for which they are issued, as determined by the council and stated in the bond ordinance.

Sec. 1621. Determination of council conclusive. The determination of the council in the bond ordinance, as to the classification of the project for which bonds are authorized and as to the period of usefulness or average period, shall be conclusive in any action or proceeding involving the validity of the bonds.

Sec. 1622. Public sale. All bonds issued under this charter shall be sold at public sale upon sealed proposals after at least 10 days' notice published at least once in a publication carrying municipal bond notices and devoted primarily to financial news or to the subject of state and municipal bonds and at least 10

days' notice published at least once in a newspaper published in or having a general circulation in the City of Westbrook.

Sec. 1623. Validity. After final passage of a bond ordinance as provided by this charter:

(a) Any recitals or statements of fact contained in such bond ordinance, or in the preambles or recitals thereof, shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized and the city and all others interested shall forever thereafter be estopped from denying the same;

(b) Such bond ordinance shall be conclusively presumed to have been duly and regularly passed by the city and to comply with the provisions of this charter and of all laws; and

(c) The validity of such bond ordinance shall not thereafter be questioned by either a party plaintiff or a party defendant.

Sec. 1624. Payment of bonds and notes. The power and obligations of the city to pay any and all bonds and notes hereafter issued by it pursuant to this charter shall be unlimited and the city shall levy ad valorem taxes upon all the taxable property within the city for the payment of such bonds or notes and interest thereon, without limitation of rate or amount. The faith and credit of the city is hereby pledged for the payment of the principal of and the interest on all bonds and notes of the city hereafter issued pursuant to this charter, whether or not such pledge be stated in the bonds or notes or in the bond ordinance authorizing their issuance.

ARTICLE XVII

General Provisions

Sec. 1701. Planning and Zoning. There shall be a planning board, zoning ordinance and zoning board of appeals as provided by state law.

Sec. 1702. Board of registration. The city council shall elect the 2 associate members of the board of registration of voters, who shall serve for such term and perform such duties as may be provided by law.

Sec. 1703. Additional boards, commissions and agencies. The council may establish by ordinance such other boards, commissions and agencies as it may deem desirable in addition to these created by this charter and prescribe the duties and functions thereof, except that no function assigned by this charter to a particular board, commission or agency shall be assigned to any other. However, it may change and abolish such additional offices and may assign additional functions or duties to the offices, departments or agencies established by this charter.

Sec. 1704. Health office and additional officers.

(a) The city shall provide for a health officer, and such other local officers as are required by state law and not otherwise provided for herein, in accordance with the provisions of the general laws relative thereto;

(b) The mayor may appoint as many constables as he may deem advisable, who shall hold office through the first Monday of January following the date of their appointment, unless removed by the mayor prior thereto;

(c) All of such officers shall exercise such powers and perform such duties as may be conferred or imposed upon such officers by state or city ordinance.

Sec. 1705. Salaries and compensation. The city council shall by ordinance fix the salary or compensation of the mayor and the members of the council, and also the salaries or rate of compensation, if any, of the members of the various boards, commissions or agencies herein created or provided for, which may be fixed on a per meeting basis with a maximum amount to be paid per year; but no ordinance changing any such salary or compensation under this section shall take effect until the municipal year succeeding that in which the ordinance is passed.

Sec. 1706. Pension systems. The city may establish a system of pensions for all municipal employees, including any benefits to be paid if such employee shall die or become disabled while in the performance of his duties, and may change or amend same from time to time. However, nothing herein shall be construed to impair or decrease the existing pension benefits of municipal employees.

Sec. 1707. Investigations. The mayor or the city council, or any person or committee authorized by either of them, shall have the power to make investigations into the affairs of the city and the conduct of any city department, office or agency and for that purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. The failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine of not more than \$100 or by imprisonment for not more than 60 days, or by both.

Sec. 1708. Separability clause. If any portion of this Act shall be held invalid, such decision shall not affect the validity of the remaining portions thereof.

Sec. 1709. Continuance of present administration 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 provisions shall have been made in accordance therewith for the performance of such duties or the discontinuation of such office.

Sec. 1710. Existing contracts not invalidated, unless inconsistent. All rights, actions, proceedings, prosecutions and contracts of the city or any of the departments and of the Westbrook Sewerage District, 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. 1711. Repealing clause. Chapter 257 of the private and special laws of the State of Maine for the year of 1907, all acts amendatory thereto, and all acts and parts of acts relating to the City of Westbrook and the Westbrook Sewerage District which are inconsistent with the provisions of this charter are repealed.

ARTICLE XVIII**Referendum Provisions**

Sec. 1801. Referendum. This Act shall take effect 90 days after the adjournment of the Legislature, but only for the purpose of permitting its submission to the voters of the City of Westbrook qualified to vote in municipal elections at a special city election to be held on the first Monday in October in the year 1965 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 city to meet in the several ward meetings of said city, there to cast their ballot concerning a new charter for the City of Westbrook. The vote shall be taken by ballot at said election in answer to the question:

“Shall ‘An Act to Grant a New Charter to the City of Westbrook,’ part of which abolishes the Westbrook Sewerage District, as passed by the 102nd Legislature, be accepted?”

which shall be printed on the official ballots, and at said election the voters of said city in favor of accepting this Act shall vote “Yes” and those opposed shall vote “No.” Otherwise, said ballot shall be in the form provided by law when a Constitutional amendment is submitted to the vote of the people.

Sec. 1802. Effective date. If a majority of the valid ballots cast at the election to be held on the first Monday of October, 1965, as aforesaid, shall favor accepting this Act, then it shall take effect on said date solely for the purpose of nominating and electing officers hereunder at the regular municipal election to be held on the 2nd Monday in December, 1965, and for all other purposes it shall take effect on the first Monday in January, 1966; provided that the total number of votes cast for or against the acceptance of this Act at such election equals or exceeds 20% of the total vote for all candidates for Governor in said city at the next previous gubernatorial election; provided further, however, that if the total number of votes cast do not equal or exceed the said 20% provision as above set forth or if the Act shall not be so accepted at said election, then this Act may, with the approval of the Westbrook City Council, be resubmitted for approval or rejection to the voters of the city in the same manner and form as hereinbefore stated at any general or special election, but not later than the 2nd Monday of November in 1967; and if adopted at said election it shall then take effect for the purpose of the election of said officers at the regular municipal election to be held in December, 1967 and for all other purposes on the first Monday of January in 1968.

The results of said votes shall be declared by the municipal officers of the City of Westbrook and due certificates thereof shall be filed by the city clerk with the Secretary of State.