

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

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**Legislative Document**

**No. 341**

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H. P. 233

House of Representatives, January 25, 1967

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Hewes of Cape Elizabeth.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SEVEN

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**AN ACT Providing for a Council-Manager Charter for the Town of Cape Elizabeth**

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

**ARTICLE I**

**Grant of Powers to the Town**

**Sec. 1. Incorporation.** The inhabitants of the Town of Cape Elizabeth, 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 Cape Elizabeth.

**Sec. 2. Powers and duties.** 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 to the inhabitants or municipal authorities thereof; and may enact reasonable bylaws, regulations and ordinances for municipal purposes, not inconsistent with the Constitution and statutes of the State of Maine, and impose penalties for the breach thereof, not exceeding \$100 in any one case, to be recovered for such uses as said bylaws, regulations or ordinances shall provide.

The administration of all the fiscal, prudential and municipal affairs of said town, with the government thereof, except the general management, care, conduct and control of the schools of said town, which shall be vested in a board of education as hereinafter provided, and also except as otherwise provided by this charter, shall be and are vested in one body of 7 members, which shall constitute

and be called the town council, all of whom shall be inhabitants of said town and shall be sworn in the manner hereinafter prescribed.

The town may acquire property 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. 1. Number; election; term.** The town council, hereinafter called the "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. 2. Qualifications.** Councilmen shall be registered voters of the town and shall reside in the town during their term of office. In case of a vacancy caused by death, resignation, removal from the town or removal from office as hereinafter provided, of any member of the town council more than 6 months prior to the next regular municipal election, the vacancy shall be filled by a special election for the unexpired portion of the term. In the event such vacancy occurs less than 6 months prior to the next regular municipal election, the vacancy may be filled by a special election for the unexpired portion of the term. Such election may be called by a majority of the council members then in office. Such election shall be called and held and nominations made as in regular municipal elections.

Any member of the council who shall be convicted of a felony or a misdemeanor involving moral turpitude while in office shall, after due notice and hearing before the council and the production of the records of such conviction, forfeit his office.

**Sec. 3. Enumeration of powers.** Without limitation of the foregoing, the council shall have power to:

**1. Appointments; removal.** Appoint, and remove for cause after hearing, the town manager and a town assessor. Appoint a town attorney or attorneys,

who shall serve at the will of the council. Appoint, and remove for cause after hearing, the members of the board of assessment review, the planning board, and the board of zoning appeals which shall have such powers and perform such duties as are provided by the statutes of the State of Maine. Appoint, and remove for cause after hearing, trustees of the Thomas Memorial Library and the Riverside Cemetery, and determine the length of their terms.

**2. Make ordinances.** By ordinance create, change and abolish offices, departments and 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.

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

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

**5. Plats and plans.** Adopt, modify and carry out plats and plans proposed by the planning board.

**6. Annual budget.** Recommend the annual budget.

**7. Annual audit.** Provide for an annual audit.

**8. Exercise all legislative, financial and other powers.** Exercise all the legislative, financial and other powers now or hereafter given by statute to inhabitants of towns acting in town meeting; and also exercise all of the powers now or hereafter given by statute to selectmen of towns and municipal officers of towns.

**9. Other powers.** Exercise all of the powers given to the inhabitants of towns and to the selectmen and municipal officers of towns relating to borrowing of any kind.

**Sec. 4. 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 council by order shall fix the salaries of officials appointed by the 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, subject to approval of the council.

**Sec. 5. Induction of council into office.** The council shall meet at the usual place for holding meetings within 7 days 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. 6. 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 production of records, but the decision of the council in any such case shall be subject to review by the courts.

**Sec. 7. Regular meetings.** The council shall, at its first meeting or as soon thereafter as possible, establish by 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 council shall be open to the public in accordance with the statutes of the State of Maine.

**Sec. 8. 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. 9. 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. He shall be entitled to vote, and his vote shall be counted upon all matters and things as a vote of other members of the council. In the temporary absence or disability of the chairman, the 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. 10. Quorum.** A majority of the council shall constitute a quorum for the transaction of business. At least 4 votes shall be required for passage of any ordinance, order or resolution, except as provided in Article II, section 2. A smaller number may adjourn from time to time. At least 24 hours' notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

**Sec. 11. Public hearing on ordinances.** At least one public hearing, notice of which shall state the general subject matter and shall be given as hereinafter provided, shall be held by the council before any ordinance shall be passed, but nothing contained herein shall be deemed to require publication of the ordinance itself. The passage of such ordinance shall not be effective until 30 days after such enactment. Notice of all public hearings under this charter shall be given at least 7 days in advance of the public hearing by publication in a newspaper or newspapers having a general circulation in the town and by posting copies of said notice at the town hall and such other places as the council shall designate. The council in its discretion may cause copies of said notice to be mailed, postage prepaid, to interested persons in the town.

**Sec. 12. Emergency ordinances.** The council may, by vote of 5 of its members, pass emergency ordinances, to take effect at the time indicated therein, to meet public emergencies affecting life, health, property or the public peace.

Such emergency ordinances shall contain a section in which the emergency is set forth and defined; provided, however, that the declaration of such emergency by the council shall be conclusive. Within 5 days after passage, such ordinance shall be posted at the town hall and such other places as the council may designate, and a statement of the general subject matter shall be published in a newspaper or newspapers having general circulation in the town. No public hearing or notice thereof shall be required prior to the passage of an emergency ordinance. Every emergency ordinance shall automatically stand repealed as of the 91st day following the date on which it was adopted.

**Sec. 13. Clerk of the council.** In addition to the statutory duties required of the clerk, he shall act as clerk of the council and shall keep a public record of all proceedings of the council, including all votes.

**Sec. 14. Independent annual audit.** Prior to the end of each fiscal year, the council shall designate the State Department of Audit or private certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the town government and shall submit their report to the council and the town manager. Such accountants shall not maintain any accounts or records of the town business but shall post-audit the books and documents kept by any office, officer, department or agency of the town government.

### ARTICLE III

#### Town Manager

**Sec. 1. Appointment; qualification; powers and duties.** The town manager shall be chosen by the council solely on the basis of his character and his executive and administrative qualifications and may or may not be a resident of the Town of Cape Elizabeth or of the State of Maine at the time of his appointment. He shall be tax collector and overseer of the poor and shall have and exercise all powers and perform all the duties conferred or imposed by law upon said respective offices. No councilman shall receive appointment to the office of town manager 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 council act in that capacity. The town manager shall give bond for the faithful discharge of his duties to the town in such sum as the council shall determine and direct, and with surety or sureties to be approved by the council. The premium on his bond shall be paid by the town. He shall be the administrative head of the town and shall be responsible to the council for the administration of all departments assigned to him. His powers and duties shall be as follows:

**1. Appointments by town manager; removals.** Appoint and remove, both subject to approval of the council, the town clerk, town treasurer, police chief, fire chief, public works director and other department heads and prescribe their duties. The town manager shall also have the power to appoint the local health officer, and the manager shall act as health officer in the event of incapacity or absence of the local health officer.

**2. Prepare annual budget.** Prepare the annual budget, submit it to the council and be responsible for its administration after adoption.

**3. Annual town report.** 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.

**4. Attend meetings.** 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.

**5. Laws, etc. faithfully administered.** See that all laws and ordinances governing the town are faithfully administered.

**6. Purchasing agent.** Act as purchasing agent for all departments of the town except the department of education.

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

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

**Sec. 2. Removal.** The town manager may be removed for cause by the council in accordance with the provisions of the statutes of the State of Maine relating to the removal of a town manager.

**Sec. 3. Department heads.** All statutory officers and department heads other than listed in Article II, section 3, subsection 1, shall be appointed by the town manager.

**Sec. 4. 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 subordinate of the manager, either publicly or privately.

**Sec. 5. Vacancy in office of town manager.** During any vacancy in the office of town manager, and during the absence or disability of the town manager, the council shall designate a properly qualified person, not a member of the council, to perform the duties of manager and fix his compensation. While so acting, he shall have the same powers and duties as those given to and imposed on the town manager. Before entering his duties, he shall give bond to the town in a sum and with surety or sureties to be approved by the council. The premium on said bond shall be paid by the town.

## ARTICLE IV

### Department of Education

**Sec. 1. Board of education.** The department of education shall be administered by a board of education, hereinafter called the "school board," which

shall consist of 5 registered voters of the town, who shall be nominated and elected by the registered voters of the entire town according to the provisions of Article VII 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. 2. Qualifications.** Members of the school board shall be registered voters of the town and shall reside in the town during their term of office. 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. 3. Vacancy.** If for any reason a vacancy shall exist in the membership of the school board, it shall be filled in accordance with the statutes of the State of Maine.

**Sec. 4. Organization; qualification; quorum.** The members of the school board shall meet for organization within 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. 5. Powers and duties.** The school board 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. 1. 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, or such other fiscal year as the council may decide. 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. 2. Preparation and submission of the budget.** The town manager, at least 30 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. This budget shall contain:

1. **Statement of financial condition.** Exact statement of the financial condition of the town.
2. **Statement of appropriations.** 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.
3. **Statement of estimated revenue.** 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.
4. **Other information.** Such other information as may be required by the Council.

The proposed budget prepared by the manager shall be reviewed by the council which shall approve the budget with or without amendments. The complete town budget as approved by the council shall be printed and distributed and the council shall fix the time and place for holding a public hearing on the budget, and shall give a public notice of such hearing as provided in this charter. The council shall then review the budget and adopt the same, with amendments, if any.

**Sec. 3. Budget establishes appropriations.** From the date of adoption of the budget, which adoption shall be within 60 days from the first day of the budget year, the several amounts stated therein as proposed appropriations shall be and become appropriated to the several agencies and purposes therein named.

**Sec. 4. 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 fiscal 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 fiscal year.

**Sec. 5. 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. 6. Expenditures and departmental revenue.** The budget for all departments shall include all proposed expenditures, and the council shall make a gross appropriation for each department for the ensuing fiscal year. The gross appropriation for each department shall not be exceeded except by consent of the council.

**Sec. 7. 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 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. 8. Transfers of appropriations.** At the request of the manager and within the last 3 months of the budget year, the council may by order transfer any unencumbered appropriation, balance or portion thereof between departments.

**Sec. 9. 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. 1. Assessor.** There shall be established a department of assessment, the head of which shall be the town assessor. The assessor appointed by the council 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 statutes of the State of Maine.

**Sec. 2. 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 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. Members may be removed for cause, after hearing, by the council. Compensation, if any, to such members shall be determined by the council. Vacancies in the membership of such board shall be filled by appointment by the council for the unexpired term.

**Sec. 3. Board of assessment review; powers and duties.** The board of assessment review shall have the power to:

1. **Review and revise assessments.** Review, on complaint of property owners, and revise assessments for the purpose of taxation of real and personal property within the town limits made by the town assessor;
2. **Administer oaths.** Administer oaths;
3. **Take testimony.** Take testimony;
4. **Hold hearings.** Hold hearings;
5. **Adopt regulations.** Adopt regulations regarding the procedure of assessment review not inconsistent with statutory provisions.

## ARTICLE VII

### Nominations and Elections

**Sec. 1. Municipal elections.** The regular election for the choice of members of the council and the school board shall be held on the first Monday in December. All elections shall be conducted on a nonpartisan basis and without party designations on the election ballot.

**Sec. 2. Nomination.** Registered voters of the town shall be nominated for the council or school board only by the use of nomination papers in accordance with the statutes of the State of Maine.

**Sec. 3. Conduct of municipal elections.** The provisions of the statutes of the State of Maine relating to the qualifications of voters, the registration of voters, the nomination for any office, the manner of voting, the duties of election officers and all other particulars relative to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter.

**Sec. 4. Voting places.** The voting places for municipal elections shall be those which have been or may hereafter be established for state elections.

**Sec. 5. 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 VIII

### Initiative and Referendum

**Sec. 1. Petition for overrule of action of council.** All ordinances and any vote for a capital expenditure over \$100,000, except emergency ordinances as defined in Article II, section 12, shall be subject to overrule by a referendum as follows:

If, within 20 days after the enactment of any such ordinances or passage of any such vote, a petition signed by not less than 10% of the registered voters of the Town of Cape Elizabeth is filed with the town clerk requesting its reference to a referendum, the council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk and shall, within 14 days after said public hearing, designate a time and place for the purpose of submitting to a referendum vote the question of adopting such ordinance or approving such vote. Pending action by referendum, the referred ordinance or vote shall be suspended from going into operation until it has received an affirmative vote of the majority of the voters voting on said question.

**Sec. 2. Petition for enactment of ordinance.** Subject to the provisions of section 1, not less than 10% of the registered voters 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 public hearing to be held within 30 days from the date of the filing of such petition with the town

clerk and shall, within 30 days after said public hearing, designate a time and place for the purpose of submitting to a referendum vote the question of adopting such ordinance, unless prior to the referendum vote, such ordinance shall be enacted by the council. Such ordinance shall take effect on the 10th day after the conclusion of such referendum provided a majority of those voting thereon shall have voted in the affirmative.

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

**Sec. 3. Petition for submission of amendments of charter to the Legislature.** Not less than 10% of the registered voters 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 public hearing to be held within 30 days from the date of the filing of such petition with the town clerk and shall, within 14 days after said public hearing, designate a time and place for the purpose of submitting to a referendum vote the question of the enactment of such charter amendment. If at such time and place a majority of the voters of the town voting on the question shall vote in favor of said amendment, the council shall prepare and submit a bill to the next regular session of the Legislature for the enactment of such charter amendment.

**Sec. 4. Form of ballot.** The form of ballot for the proposed ordinance or charter amendment shall be substantially as follows:

“Shall the proposed ordinance (charter amendment), a copy of which is printed herein or attached hereto, be adopted,”

For the Ordinance:

Against the Ordinance:

The voter shall write a cross or a check mark in the appropriate box.

## ARTICLE IX

### General Provisions

**Sec. 1. Repealing clause.** All Acts and parts of Acts of the private and special laws of Maine relating to the Town of Cape Elizabeth, inconsistent with the provisions of this charter are repealed.

**Sec. 2. 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. 3. Short title.** This charter shall be known and may be cited as the "Council-Manager Charter of the Town of Cape Elizabeth." The clerk shall cause it to be printed and made available to the public.

**Sec. 4. Expiration term of present elected officials.** The term of the present elected town officials shall expire on the election and qualification of the new town council.

**Sec. 5. 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. 6. Subpoena before council.** The clerks of the Supreme Judicial and Superior Courts may issue a subpoena for witnesses to attend and produce books, documents and papers at any meeting of the council for the Town of Cape Elizabeth at which a hearing is had in any matter regarding any alleged dereliction of duty by town officers or employees. On complaint of failure to obey subpoena filed with any Justice of the Superior Court, said justice, if he finds failure to obey such subpoena to be without reasonable excuse, shall impose a fine of not less than \$10 nor more than \$100, or imprisonment for not more than 30 days, or both.

**Sec. 7. 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 Cape Elizabeth and statutes of the State of Maine, and will faithfully discharge the duties of the office of . . . . ."

**Sec. 8. Ordinances not Inconsistent continue in force.** All ordinances of the Town of Cape Elizabeth 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. 9. Removal of officers and employees.** Any statutory officer, department head or employee appointed by the town manager may be removed by him at any time, except where prohibited by statute and subject to the provisions of Article III, section 1, subsection 1.

**Sec. 10. Continuance of present administrative officers.** All persons holding administrative office at the time this charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance herewith for the performance of such duties or the discontinuation of such office.

**Sec. 11. 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 registered voters of the Town of Cape Elizabeth at any special town meeting or state-wide election held before the first day of January, 1970, as determined by the selectmen, and warrants shall be issued for such town meeting in the manner now provided by law for the holding of municipal elections, notifying and warning the registered voters of said town to meet in said town, there to cast their ballots on the approval or rejection of this Act.

The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this Act to the following question:

“Shall ‘An Act Providing for a Council-Manager Charter for the Town of Cape Elizabeth’ passed by the 103rd 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 registered 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.

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