

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1107

H. P. 760

House of Representatives, February 23, 1967

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Payson of Falmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Amending the Charter of the Town of Falmouth.

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

Sec. 1. P. & S. L., 1961, c. 172, Art. II, § 204, sub-§ 204.1, repealed and replaced. Subsection 204.1 of section 204 of Article II of chapter 172 of the private and special laws of 1961 is repealed and the following enacted in place thereof:

204.1. Appoint and remove the town manager, assessor and town attorney and appoint the board of assessment review, the board of appeals and the planning board.

Sec. 2. P. & S. L., 1961, c. 172, Art. II, § 204, sub-§ 204.5, repealed. Subsection 204.5 of section 204 of Article II of chapter 172 of the private and special laws of 1961 is repealed.

Sec. 3. P. & S. L., 1961, c. 172, Art. II, § 204, sub-§§ 204.6 - 204.11, renumbered. Subsections 204.6 to 204.11 of section 204 of Article II of chapter 172 of the private and special laws of 1961 are renumbered to be subsections 204.5 to 204.10, respectively.

Sec. 4. P. & S. L., 1961, c. 172, Art. II, § 204, sub-§ 204.12, repealed. Subsection 204.12 of section 204 of Article II of chapter 172 of the private and special laws of 1961 is repealed.

Sec. 5. P. & S. L., 1961, c. 172, Art. II, § 204, sub-§ 204.13, renumbered. Subsection 204.13 of section 204 of Article II of chapter 172 of the private and special laws of 1961 is renumbered to be subsection 204.11.

Sec. 6. P. & S. L., 1961, c. 172, Art. II, § 204, sub-§ 204.12, additional. Section 204 of Article II of chapter 172 of the private and special laws of 1961 is amended by adding a new subsection 204.12, to read as follows:

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

Sec. 7. P. & S. L., 1961, c. 172, Art. II, § 213, amended. The last sentence of section 213 of Article II of chapter 172 of the private and special laws of 1961 is repealed and the following enacted in place thereof:

Such ordinance shall not be effective until 30 days after such passage. Subject to provisions relating to publication and posting of notice, the town council may, by vote of 5 of its members, pass emergency ordinances, to take effect at the time indicated therein. Such ordinance shall contain a section in which the emergency is set forth and defined, provided, however, that the declaration of such emergency by the town council shall be conclusive.

Sec. 8. P. & S. L., 1961, c. 172, Art. II, § 215, repealed and replaced. Section 215 of Article II of chapter 172 of the private and special laws of 1961 is repealed and the following enacted in place thereof:

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

Sec. 9. P. & S. L., 1961, c. 172, Art. V, § 502, amended. The last 2 sentences of the last paragraph of section 502 of Article V of chapter 172 of the private and special laws of 1961 are repealed and the following enacted in place thereof:

The town council shall fix the time and place for holding a public hearing on such budget, and shall give a public notice of such hearing. The council shall thereafter review the budget and adopt it, with or without change, no later than 60 days from the beginning of the fiscal year. In the event the council shall fail to adopt the budget within said 60-day period, the budget as presented by the manager shall automatically become the budget for the fiscal year.

Sec. 10. P. & S. L., 1961, c. 172, Art. V, § 506, repealed and replaced. Section 506 of Article V of chapter 172 of the private and special laws of 1961 is repealed and the following enacted in place thereof:

Sec. 506. Expenditures and departmental revenue. The budget for all departments, including the school department, shall include all proposed expenditures. The town council shall make a gross appropriation for each department, including the school department, for the ensuing municipal year. The gross

appropriation for each department shall not be exceeded except by consent of the council, but the school budget shall be expended under the direction and control of the school board.

Sec. 11. P. & S. L., 1961, c. 172, Art. V, § 508, repealed and replaced. Section 508 of Article V of chapter 172 of the private and special laws of 1961 is repealed and the following enacted in place thereof :

Sec. 508. Transfer of appropriations. At the request of the manager, the council may by resolution transfer any unencumbered appropriation balance or portion thereof, including surplus, between the general accounts.

Sec. 11-A. P. & S. L., 1961, c. 172, Art. VIII, § 805, repealed and replaced. Section 805 of Article VIII of chapter 172 of the private and special laws of 1961 is repealed and the following enacted in place thereof :

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

Sec. 12. P. & S. L., 1961, c. 172, Arts. IX and X, repealed and replaced. Articles IX and X of chapter 172 of the private and special laws of 1961 are repealed and the following enacted in place thereof :

ARTICLE IX

Initiative and Referendum

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

901-1. All ordinances.

901-2. Orders or resolves appropriating \$100,000 or more for capital improvements.

901.3. Orders or resolves authorizing bond issues of \$100,000 or more for capital improvements.

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

Sec. 902. Petition for enactment of ordinances. Not less than 10% of the registered voters of the town may at any time petition for the enactment of any proposed lawful ordinance by filing such petition, including the complete text of such ordinance, with the town clerk. The council shall call a public hearing

to be held within 30 days from the date of the filing of such petition with the town clerk, and shall within 30 days after said public hearing call a special town election for the purpose of submitting to a referendum vote the question of adopting such ordinance, unless prior to the call for said town election, such ordinance shall be enacted by the council. Such ordinance shall take effect on the 10th day after the conclusion of such referendum, provided a majority of those voting thereon shall have voted in the affirmative.

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

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

“Shall the ordinance, order or resolve entitled ‘.....’ be repealed? (or adopted?)”	YES	NO
(The voters shall indicate by a cross or check mark placed in box under the words YES and NO, their opinion of the same.)	<input type="checkbox"/>	<input type="checkbox"/>

Sec. 13. P. & S. L., 1961, c. 172, Art. XI, renumbered. Article XI of chapter 172 of the private and special laws of 1961 is renumbered as Article X.