

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 5

H. P. 5

Office of the Clerk of the House
Filed December 4, 1968 under joint rule 6. To be printed and delivered
to the House of Representatives of the 104th Legislature.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Carter of Winslow.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

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

Emergency preamble. Whereas, Acts and resolves passed by the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is very desirable that the following Act be voted upon by the inhabitants of the Town of Winslow at the annual town election in March, 1969; and

Whereas, it is vitally necessary that the charter provided for in the following Act be put into operation as soon as possible; and

Whereas, the following legislation is vitally necessary in order not to deprive the inhabitants of the Town of Winslow of their rights as citizens; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

COUNCIL-MANAGER CHARTER OF THE TOWN OF WINSLOW

ARTICLE I

GRANT OF POWERS TO THE TOWN

Sec. 101. Incorporation; powers of the town. The inhabitants of the Town of Winslow shall continue to be a municipal corporation under the

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

Sec. 102. Construction. The powers of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this Article.

ARTICLE II TOWN COUNCIL

Sec. 201. Number, eligibility, election and terms.

I. Number. There shall be a town council composed of 7 members elected by the registered voters of the town at large.

II. Eligibility. Only qualified voters who reside in the Town of Winslow shall be eligible to hold office as councilmen.

III. Election and terms. Each member shall be elected for a term of 3 years, or until his successor is elected and qualified. At the first election after the adoption of this charter, the 3 members-elect receiving the most votes shall serve $3\frac{1}{2}$ years, the 2 members-elect receiving the next highest number of votes shall serve $2\frac{1}{2}$ years and the 2 members-elect receiving the next highest number of votes shall serve $1\frac{1}{2}$ years. In case of an equal number of votes, the relative position of the members-elect shall be determined by lot.

Sec. 202. Compensation to cover expenses. Each councilman shall receive \$10 for each regular meeting attended, but not to exceed \$120 annually. This compensation of councilmen shall be paid on a quarterly basis for services performed in the preceding quarter.

Sec. 203. Chairman. At its first meeting, or as soon thereafter as practicable, the town council shall elect by majority vote of the council membership, one of its members for the ensuing year as chairman, and the council may fill, for an unexpired term, any vacancy in the office of chairman that may occur. The chairman shall preside at the meetings of the council, and shall be recognized as head of the town government for all ceremonial purposes and by the Governor for purposes of military law, but he shall have no regular administrative duties. In the temporary absence or disability of the chairman, the 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. 204. Powers and duties. Except as otherwise provided by law or this charter all powers of the town shall be vested in the town council, which

shall be the general legislative body of the town. The town council shall constitute the municipal officers of the Town of Winslow.

Sec. 205. Enumeration of powers. Without limitation of the foregoing, the council shall have power to:

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

II. Map. Adopt and modify the official map of the town;

III. Housing authority. Create a housing authority;

IV. Planning and redevelopment. Adopt, modify and carry out plans by the planning board for the replanning, improvement and redevelopment of neighborhoods and for the replanning, reconstruction and redevelopment of any area or district which may have been destroyed in whole or in part by disaster.

Sec. 206. Prohibitions. Except where authorized by law, no councilman shall hold any other town office or town employment during the term for which he was elected to the town council.

Neither the council nor any of its members shall, in any manner, dictate the appointment or removal of any administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

Except for the purpose of inquiry, the council and its members shall deal with the administrative services solely through the manager and neither the

council nor any member thereof shall give orders to any subordinates of the manager either publicly or privately.

Sec. 207. Vacancies, forfeiture of office, filling of vacancies.

I. Vacancies. The office of councilman shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.

II. Forfeiture of office. A councilman shall forfeit his office if he lacks at any time during his term of office any qualifications of the office prescribed by this charter or by law, or he is convicted of a crime involving moral turpitude.

III. Filling of vacancies. If a seat in the town council becomes vacant more than 6 months prior to the next regular election, the council shall call a special election to fill the unexpired term within 60 days from the date that the vacancy occurred. If a seat in the council becomes vacant less than 6 months prior to the next regular election, the council may call a special election.

Sec. 208. Council to judge qualification of members. The town council shall be the judge of the election and qualifications of its members and for such purposes 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. 209. Induction of council into office. The town council shall meet at the usual place for holding meetings at 12:01 p.m. on the first Monday in January, and at said meeting councilmen-elect shall be sworn to the faithful discharge of their duties by the town clerk or by a justice of the peace. After the first election in June, the councilman-elect shall take the oath of office July, 1969.

Sec. 210. Regular meetings. The town 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 laws of the State of Maine.

Sec. 211. Quorum. A majority of the town council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time or may compel attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. At least 8 hours' notice of the time and place of holding such adjourned meeting shall be served on all members who were not present at the meeting from which adjournment was taken.

Sec. 212. Town clerk. The town clerk shall act as clerk of the town council, and shall keep a record of all proceedings of the council, including all roll-call votes.

Sec. 213. Rules and procedure. The town council shall provide for keeping a record of its proceedings and shall determine its own rules of procedure and make lawful regulations for enforcing the same. The council shall act only by ordinance, order or resolve. All ordinances, orders and resolves, except orders or resolves making appropriations of money, shall be confined to one subject which shall be clearly expressed in the title. All appropriation orders or resolves shall be confined to the subject of appropriations only.

Before any ordinance shall be passed, at least one public hearing shall be held by the council, notice of which shall be given at least 7 days in advance by publication in a newspaper having a circulation in said town and by posting a notice in a public place. The yeas and nays shall be taken on the passage of all ordinances and entered on the record of the proceedings of the council by the clerk. Every ordinance shall require on passage the affirmative vote of a majority of the members of the council. Such ordinance shall be effective 30 days after such passage, subject to the provisions of Article X.

Sec. 214. 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. The declaration of such emergency by the council shall be conclusive inasmuch as 5 council members support such emergency ordinance. 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. 215. Independent annual audit. Prior to the end of each fiscal year, the town council shall designate the State Department of Audit or 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 to 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, including the department of education.

ARTICLE III

ADMINISTRATIVE OFFICERS AND EMPLOYEES

Sec. 301. Titles and appointment. The following officers and boards shall be appointed by ballot by a majority vote of the members of the town council: Town manager, town attorney, board of assessment review, planning board, board of appeals and other boards when such appointment is required by state statute or municipal ordinance. The council may, where appropriate, vest in the town manager all or part of the duties of any office.

The town manager shall appoint the town clerk, treasurer, tax collector, town assessor and department heads, subject to the confirmation of the town council, and shall have the power to remove such appointees when necessary. He shall appoint and remove when necessary all other administrative officers and town employees, except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office and except as otherwise provided in this charter.

Sec. 302. Creation of departments. The town council, by ordinance, may establish, change and abolish town departments, offices or agencies other than those created by this charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this charter to a particular department, office or agency may be discontinued or, unless specifically provided by this charter, assigned to any other.

Sec. 303. Personnel system.

I. Merit principle. All appointments and promotions of town officers and employees, subject to the direction and supervision of the manager, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

II. Personnel Director. The town manager shall be the personnel director.

III. Personnel appeals board. There shall be a personnel appeals board consisting of 3 members appointed by the town council from among the qualified voters of the town. The first appointments to this board shall be made in the following manner: One member for 3 years, one member for 2 years and one member for 1 year. All succeeding appointments shall be made for terms of 3 years.

IV. Personnel rules. The town manager shall prepare personnel rules. The town manager shall submit such rules to the council, which the council shall adopt by ordinance with or without amendment. These rules shall provide for:

- A.** The classification of all town positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
- B.** A pay plan for all town positions;
- C.** Methods for determining the merit and fitness of candidates for appointment or promotion, demotion or dismissal;
- D.** The policies and procedures regulating reduction in force and removal of employees;
- E.** A retention and retirement plan for town employees;
- F.** The hours of work, attendance regulations and provisions for sick and vacation leave;
- G.** The policies and procedures governing persons holding provisional appointments;

- H. The policies and procedures governing relationships with employee organizations;
- I. Policies regarding in-service training program;
- J. Grievance procedures, including procedures for the hearing of grievances by the personnel appeals board, which may render advisory opinions based on its findings to the town manager with a copy to the aggrieved employee; and
- K. Other practices and procedures necessary to the administration of the town personnel system.

ARTICLE IV TOWN MANAGER

Sec. 401. Town manager, qualifications. The town council shall appoint a town manager for an indefinite term and fix his compensation. The manager shall be appointed on the basis of his executive and administrative qualifications. He need not be a resident of the town or State at the time of his appointment but may reside outside the town while in office only with the approval of the council. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term, nor shall any member of the town council act in that capacity.

Sec. 402. Removal of town manager. The town council shall appoint the town manager for an indefinite term and may remove him for cause by a majority vote of its members. The council shall file with the town clerk a written preliminary resolution setting forth the specific reasons for the proposed removal, a copy of which shall be delivered to the manager within 10 days of its filing with the town clerk. The manager may, within 20 days of receiving the resolution, reply in writing and may request a public hearing, which shall be held by the council not earlier than 10 days after the request is filed nor later than 30 days after the request. After the public hearing or at the expiration of the time permitted the manager to request the public hearing, if no such request is made, the council may by majority vote adopt or reject the resolution of removal. The council may suspend the manager from duty in its preliminary written resolution, but in no event shall the manager's salary be affected until the final resolution of removal has been adopted.

Sec. 403. Powers and duties of the town manager. The town manager shall be the chief administrative officer of the town. He shall be responsible to the town council for the administration of all town affairs placed in his charge by or under this charter. He shall have the following powers and duties:

- I. He shall direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this charter or by law.
- II. He shall attend council meetings, except when his removal is being considered, and shall have the right to take part in discussions but may not vote.

III. He shall see that all laws, provisions of this charter and acts of the council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

IV. He shall prepare and submit the annual budget and capital program to the council.

V. He shall submit to the council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year.

VI. He shall make such other reports as the council may require concerning the operations of town departments, offices and agencies subject to his direction and supervision.

VII. He shall keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as he deems desirable.

VIII. He shall prepare an administrative code or amendments to an existing administrative code as required, to be proposed to the council, and the council may by ordinance adopt them with or without amendment.

IX. He shall act as purchasing agent for all departments of the town, except the department of education. He may also act as purchasing agent for the department of education, if the town council deems it advisable by a majority vote of the council members.

X. He shall perform such other duties as are specified in this charter or may be required by the council.

Sec. 404. Absence of town manager. By letter filed with the town clerk the manager shall designate, subject to approval of the town council, a qualified town administrative officer to exercise the powers and perform the duties of manager during his temporary absence or disability. During such absence or disability, the council may revoke such designation at any time and appoint another officer of the town to serve until the manager shall return or his disability shall cease. In the event of failure of the manager to make such designation, the council may by resolution appoint any administrative officer of the town to perform the duties of the manager until he shall return or his disability shall cease.

ARTICLE V

TAX ADMINISTRATION

Sec. 501. Assessor. There shall be established a division of assessment, the head of which shall be the town assessor. The assessor shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the State may exercise, and may now or hereafter be subject to, under the laws of the State of Maine.

Sec. 502. Board of assessment review, appointments, vacancies. There shall be a board of assessment review to consist of 3 members who shall be ap-

pointed by the town council for a term of 3 years, except that of those first appointed one shall be for a term of 2 years and one for a term of one year. The majority of the whole number of the board shall be a quorum and they shall elect their own chairman. Vacancies in the membership of such board shall be filled by appointment by the council for the unexpired term.

Sec. 503. Board of assessment review, powers, duties. The board of assessment review shall have the powers and duties conferred upon such boards by the laws of the State of Maine. The board of assessment review shall have the power to: Review, in the manner provided by the Revised Statutes of the State of Maine, as amended, on written complaint of a property owner or owners, and recommend whatever revision, if any, or assessments of real and personal property as made by the town assessor against the property of the applicant as the said board may consider to be justified; administer oaths; take testimony; hold hearings and adopt regulations regarding the procedure of assessment review consistent with legal requirements.

ARTICLE VI

BOARD OF APPEALS

Sec. 601. Composition and terms. There shall be a board of appeals composed of 7 members and one associate member. The term of office shall be 5 years; except that initial appointments shall be 2 for 5 years, 2 for 4 years, one for 3 years, one for 2 years, one for one year and the associate member for 3 years.

Sec. 602. Jurisdiction. The board of appeals shall act as the zoning board of appeals and have the same powers and duties as prescribed by the laws of the State of Maine for such boards. In addition, the board of appeals may have the jurisdiction to hear appeals that may arise under the housing code, building code or any other regulatory ordinance enacted pursuant to this charter or the laws of the State of Maine, which provide therein for such appeals.

Sec. 603. Appeals. An appeal may be taken from any decision of the board of appeals to the Superior Court.

ARTICLE VII

DEPARTMENT OF EDUCATION

Sec. 701. School committee. The department of education shall be administered by a 5-member school committee. Each member shall be elected for a term of 3 years or until his successor is elected and qualified. At the adoption of this charter, all present school committee members shall retain their office for their elected terms.

Sec. 702. Qualifications. Members of the school committee shall be registered voters of the town and shall reside in the town during their term of office. They shall hold no office of emolument or profit under this charter or ordinances. A committee member shall forfeit his office if he lacks at any time during his office any qualifications of the office prescribed by this charter or by law, or is convicted of a crime involving moral turpitude.

Sec. 703. Vacancy. If for any reason a vacancy shall exist in the membership of the school committee, it may be filled by a majority vote of the school committee until the next municipal election.

Sec. 704. Organization, qualification, quorum. The school committee shall meet for organization at 8:00 p.m. on the 2nd day in January, and at said meeting the members-elect shall be sworn to the faithful discharge of their duties by the town clerk or by a justice of the peace. The majority of the whole number of the school committee shall be a quorum and they shall elect their own chairman.

Sec. 705. Powers and duties. The school committee shall have all the powers conferred and shall perform all the duties imposed by law upon 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 committee 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 committee shall furnish copies of such estimates to the manager.

ARTICLE VIII

BUDGET

Sec. 801. Fiscal year. The fiscal year of the town government shall begin the first day of July and shall end on the 30th day of June of each calendar year. Such fiscal year shall constitute the budget and accounting year as used in this charter. The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Sec. 802. Preparation and submission of the budget. The town manager, at least 35 days prior to the beginning of each budget year, shall submit to the town council a budget and an explanatory budget message. The budget authority of the council shall be limited to the final determination of the total appropriation to be made to each of the several offices, departments and agencies of the town, including the department of education. This budget shall be compiled from detailed information furnished by the administrative officers and boards on forms which shall be designated by the manager, and shall contain:

I. Exact statement of the financial condition of the town.

II. 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.

III. 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.

IV. 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 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. 803. Budget establishes appropriations. From the date of adoption of the budget, the several amounts stated therein as proposed appropriations shall be and become appropriated to the several agencies and purposes therein named.

Sec. 804. Budget establishes amount to be raised by property tax; certification to town assessor. From the date of adoption of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the town in the corresponding tax year. A copy of the budget as finally adopted shall be certified by the manager and filed by him with the town assessor, whose duty it shall be to levy such taxes for the corresponding tax year.

Sec. 805. 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. 806. Expenditures and departmental revenue. The budget for all departments, including the department of education, shall include all proposed expenditures. The town council shall make a gross appropriation for each department, including the department of education, for the ensuing municipal year. The gross appropriation for each department shall not be exceeded, except by consent of the council and subject to the provisions of section 1003, but the gross school appropriation shall be expended under the direction and control of the school committee subject to provisions of section 403, subsection IX. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager or his designee, or the superintendent or his designee in the case of the department of education, first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Except when prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

Sec. 807. Transfer of appropriation. At the request of the manager, the council may by resolve transfer any unencumbered appropriation balance or portion thereof, including surplus between the general accounts.

Sec. 808. 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.

Sec. 809. Work programs and allotments. At such time as the manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to section 807.

Sec. 810. Capital program. The manager shall prepare and submit to the town council a 5-year capital program at least 3 months prior to the final date for submission of the budget. The capital program shall include:

- I. A clear general summary of its contents;
- II. A list of all capital improvements which are proposed to be undertaken during the 5 fiscal years next ensuing, with appropriate supporting information as to the necessities for such improvements;
- III. Cost estimates, method of financing and recommended time schedules for each such improvement; and
- IV. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Sec. 811. Public hearing on capital program. The proposed capital program shall be reviewed by the town council, which shall approve it with or without amendments. The council shall fix the time and place for holding a public hearing on the capital program and shall give public notice of such hearing. The council shall adopt the capital program with or without amendments after such public hearing.

ARTICLE IX

NOMINATIONS AND ELECTIONS

Sec. 901. Municipal elections. The regular election for the choice of members of the town council, school committee and trustees of the Winslow Public Library shall be held on the first Monday in December.

Sec. 902. Nomination. Any qualified voter of the town may be nominated for the town council or school committee and trustee of the Winslow Public Library in accordance with the laws of the State of Maine.

Sec. 903. Election provisions. Provisions of the laws of the State of Maine relating to the qualifications of voters, registration, the manner of voting, the duties of election officers and all other particulars respective to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter.

ARTICLE X REFERENDUM AND INITIATIVE

Sec. 1001. Overrule of action of council. All ordinances, all orders or resolves appropriating \$100,000 or more for a single capital improvement, and all orders or resolves authorizing bond issues of \$100,000 or more for capital improvements shall be subject to overrule by referendum.

Any 5 registered voters may begin referendum proceedings by request, in writing, to the town clerk for the appropriate petition blanks. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the ordinance, order or resolve sought to be reconsidered. The petition shall be signed only by registered voters of the town and each voter's signature shall be followed by his address.

Each paper of the petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance, orders or resolves sought to be reconsidered.

If, within 20 days after the enactment of any such ordinance, order or resolve, the appropriate petition signed by not less than 10% of the registered voters of the town is filed with the town clerk, requesting its reference to a referendum, the town 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 municipal 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. 1002. Ordinances, orders or resolves submitted to popular vote. The town council may submit on its own initiative a proposition for the enactment, repeal or amendment of any ordinance, order or resolve, except as herein otherwise provided, to be voted upon at any municipal election, and should such proposition receive a majority of the votes cast thereon at such election,

such ordinance, order or resolve shall be enacted, repealed or amended accordingly.

Sec. 1003. Enactment of ordinance by initiative. Ordinances may be enacted by the following initiative procedure:

Any 5 registered voters may begin initiative proceedings by request in writing to the town clerk for the appropriate petition blanks. The complete text of the proposed ordinance shall be included with the request. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the proposed ordinance. The petition shall be signed only by registered voters of the town and each voter's signature shall be followed by his address.

Each paper of the petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed ordinance.

Upon receipt by the town clerk of the appropriate petition signed by not less than 10% of the registered voters of the town, the town 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 municipal election for the purpose of submitting to vote the question of adopting such ordinance, unless such ordinance shall be enacted by the council prior to the call for said town election. Such ordinance shall be enacted and take effect when 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 the voters. 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. 1004. 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
<input type="checkbox"/>	<input type="checkbox"/>

(The voters shall indicate their choice by a cross or check mark placed in the appropriate box under the words YES or NO.)

**ARTICLE XI
GENERAL PROVISIONS**

Sec. 1101. 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 Winslow, and will faithfully discharge the duties of the office of
.....”

Sec. 1102. Bonds of officers. The town council shall require a bond with sufficient surety or sureties, satisfactory to the town council, from all persons trusted with the collection, custody or disbursement of any of the public moneys; and may require such bond from such other officials as it may deem advisable; the premium charges for said bonds to be paid by the town.

Sec. 1103. Charter amendment.

I. Proposal of amendment. Amendments to this charter may be framed and proposed:

- A. In the manner provided by law; or
- B. By ordinance of the town council containing the full text of the proposed amendment and effective upon adoption; or
- C. By the registered voters of the town; or
- D. By report of a charter commission created by ordinance.

Proposal of an amendment by the registered voters of the town shall be by petition containing the full text of the proposed amendment and shall be governed by the same procedures and requirements prescribed in Article X for initiative petitions until such time as a final determination as to the sufficiency of the petitions is made. The petition must be signed by registered voters of the town equal in number to at least 20% of the total number of registered voters.

II. Election. Upon passage of an ordinance, or upon receipt of a petition finally determined sufficient, or upon receipt of the report of a charter commission, proposing an amendment pursuant to subsection I, the town council shall submit the proposed amendment to the voters of the town at an election. Such election shall be announced by a notice containing the complete text of the proposed amendment and published in one or more newspapers of general circulation in the town at least 30 days prior to the date of election. The election shall be held not less than 60 and not more than 120 days after the adoption of the ordinance or the final determination of sufficiency of the petition or report proposing the amendment. The form of the ballot shall be as specified in Article X, section 1004.

III. Adoption of amendment. If a majority of the qualified voters of the town voting upon a proposed charter amendment vote in favor of it, the

amendment shall become effective at the time fixed in the amendment, or if no time is therein fixed, 30 days after its adoption by the voters.

Sec. 1104. Ordinances not inconsistent continue in force. All ordinances of the Town of Winslow 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. 1105. Existing contracts not invalidated. All rights, actions, proceedings, prosecutions and contracts of the town, pending or unexecuted when this charter goes into effect, shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Sec. 1106. Continuance of present administrative officers. All persons holding administrative office or employment at the time this charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuation of such office or position.

Sec. 1107. Short title. This charter shall be known and may be cited as the "Council-Manager Charter of the Town of Winslow." The clerk shall cause it to be printed and made available to the public promptly.

Sec. 1108. 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. 1109. Repealing clause. All Acts and parts of Acts of the private and special laws of Maine relating to the Town of Winslow, inconsistent with the provisions of this charter, are repealed.

Emergency clause; effective date; referendum; certificate to Secretary of State. In view of the emergency cited in the preamble, this Act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the Town of Winslow at the annual town election in March, 1969. Such election shall be called, advertised and conducted in accordance with the law relating to municipal elections.

The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this Act to the following question: "Shall the Act Providing for a Council-Manager Charter for the Town of Winslow, passed by the 104th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. This Act shall take effect for the purpose of nominating and electing officers hereunder immediately upon its acceptance by a majority of the legal voters voting at said election, and for all other purposes this Act shall take effect following the first election held under the provisions of this charter on the first Monday in June, 1969.

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