

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 119

H. P. 96 House of Representatives, January 9, 1969
Referred to Committee on Legal Affairs. Sent up for concurrence and
ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Fortier of Rumford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT to Grant a New Charter to the Town of Rumford.

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

COUNCIL-MANAGER CHARTER OF THE TOWN OF RUMFORD

ARTICLE I

GRANT OF POWERS TO THE TOWN

Sec. 101. Incorporation, powers of the town

The inhabitants of the Town of Rumford shall continue to be a municipal corporation under the name of the Town of Rumford, 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 of Rumford 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
DUTIES OF TOWN COUNCIL

Sec. 201. Election and term

The town council shall be composed of 7 members, 2 members-at-large and one member from each of 5 districts. Each member shall be elected for a term of 3 years and until his successor is elected and qualified except that, after adoption of this charter, the one member-at-large receiving most votes in the first election shall serve 3 years, as will the 2 members from districts receiving the most votes, the other members-at-large and the 2 members from districts receiving the next highest number of votes shall serve 2 years and the member from the district with the next highest number of votes shall serve one year. In case of a tie, between members from districts or members-at-large, the term of the members-elect shall be determined by lot.

Sec. 202. Districts ; methods of voting**1. Districts.** The 5 districts shall be defined as follows :

District #1 — All areas other than the urban area, to include North Rumford, South Rumford, East Rumford and Sunnyside Terrace Road (or Eaton Hill Road), Rumford Point, Rumford Corner, Rumford Center and Smithville, so called.

District #2 — Virginia Section and that part of Rumford from Walnut Street to Maple Street between Prospect Avenue and Lincoln Avenue, including Swain Road.

District #3 — Pine Street to, and including York Street, between Rumford Avenue and Lincoln Avenue.

District #4 — From York Street to Falmouth Street, between Rumford Avenue and Lincoln Avenue.

District #5 — All areas North of Lincoln Avenue, from Maple Street to Waldo Street, including Swift River Park and Isthmus Road, so called.

2. Councilmen from districts. All qualified voters of the town shall have the opportunity to vote for one candidate in the district in which they reside in which an election is taking place. The candidate receiving the largest plurality in each district shall be the councilman for that district for the term to which he is elected.

3. Councilmen-at-large. All qualified voters of the town shall also have the opportunity to vote for one candidate for councilman-at-large for the term to which he is elected.

4. Districts and boundary lines. The town council shall review the districts and their boundaries every 5 years beginning on February 1, 1975 and on February 1st of every 5th year succeeding same. The council is empowered to change, alter or repeal any district or boundary line if the circumstances require it.

Sec. 203. Qualifications

Councilmen shall be qualified voters of the town and shall reside in the town and in the district they represent during their term of office with the exception of the councilmen-at-large. They shall not hold any other town office or position of remuneration with the town during their term of office. If a councilman shall cease to meet these qualifications or shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant. Forfeiture of office shall be effective on certification by a majority of the remaining town council members, and only after such certification has been filed in the town clerk's office.

Sec. 204. Powers and duties

Members of the council shall be and constitute the municipal officers of the Town of Rumford for all purposes required by statute and, unless otherwise herein specifically stated, shall have all powers and authority given to and perform all duties required of municipal officers under the laws of the State.

Sec. 205. Enumeration of powers

Without limitation of the foregoing, the council shall have power to:

1. Appoint and remove the town manager, assessor, town clerk, town treasurer, tax collector, town solicitor and town auditor, which are to be permanent offices, and all statutory and advisory boards.

2. Create, change and abolish offices, departments and agencies other than those permanent offices created by this charter. The council may assign any or all functions or duties of any office, department or agency created by the council or this charter, except that it may not discontinue any function of any department specifically mentioned in the charter. The council may delegate all or part of the duties of any office, except the school department and water district trustees, to the town manager in the event of a vacancy, absence, death or disability of the person or persons holding said office.

3. The council shall have the power to make, alter or repeal any and all ordinances for the town and to grant permits and licenses and establish rules not inconsistent with law for certain classes of business, to wit:

Auctioneers, the manufacture, storage, sale, transportation, disposition and use of explosives and flammable liquids, billiard halls, pool halls, bowling alleys, junk dealers, dealers in secondhand parts and salvage of automobiles, dealers in secondhand merchandise, hawkers and peddlers, itinerant vendors, public automobiles, taxicabs and motor buses, amusements, exhibitions and performances, inns, victualers, pawnbrokers, 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.

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

5. The council shall appoint members to the public safety commission, park and recreation commission, library trustees and water district trustees for a period as determined by this charter or by ordinance of the town. All appointments made under this Article shall be subject to recall and dismissal by the council for just cause, provided that such action shall be taken after a public hearing unless such hearing shall be waived by the offended party.

6. All powers now or hereinafter vested in the inhabitants of the town shall be vested in the council, including the administration of all fiscal, prudential and municipal affairs of said town and providing for an annual audit.

7. All appointments shall be announced by the council on or before April 1st.

Sec. 206. Compensation

Each member of the council shall receive \$20 per meeting attended, not to exceed in the annual aggregate \$800, except that the chairman shall receive \$25 per meeting, not to exceed in the annual aggregate \$1,000.

Sec. 207. Induction into office

Members-elect shall meet on the Wednesday following the 2nd Monday in February at the town office and be sworn in by justice of the peace or the town clerk, at which time their term of office shall commence.

Sec. 208. Regular meetings

The council shall hold regular meetings at a place decided by resolution at its first meeting on the first and 3rd Thursday of each month. Special meetings shall be called as necessary. It shall also provide a method for calling special meetings. All meetings of the council shall be open to the public, except that the chairman may call for executive sessions for the purpose of discussion on any matter, provided no vote shall be taken at such executive session.

Sec. 209. Chairman

At its first meeting after election, the council shall elect by majority vote of the entire council, one of its members as chairman for the ensuing year. The chairman shall preside at all meetings with the right to vote on all matters and shall be the titular head of the town government and shall represent the town at all ceremonial functions unless he delegates this function to the town manager if unable to attend. In the absence of the chairman, the council may elect a chairman pro tem who will have all the powers of the chairman during such absence.

Sec. 210. Quorum

A majority of the council shall constitute a quorum and no decision shall be made without a quorum present.

Sec. 211. Vacancies in council

If a seat in the council becomes vacant more than 6 months prior to the next regular town election, the vacancy shall be filled for the unexpired term within 60 days from the date that the vacancy occurred by a special election, the warrant for which shall, upon vote of the town council, be issued by a member of the town council, by vote designated for that duty.

Sec. 212. Rules of procedure; journal

The council shall determine its own rules and order of business. It shall keep a record of its proceedings and record all votes by name. The record shall be open to public inspection.

Sec. 213. Public hearing on ordinances

At least one public hearing, a notice of which shall be given at least 7 days in advance by publication in a newspaper having a circulation in said town of Rumford and by posting a notice in a public place, shall be held by the council before any ordinance shall be passed, changed or repealed. 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. The declaration of such emergency by the town council shall be conclusive.

Sec. 214. Removal of town manager

The council shall appoint the manager for an indefinite term and may execute a contract of employment with said manager for a period not to exceed 3 years, and may remove him for cause by a majority vote of its members. At least 30 days before such removal shall become effective, the council shall, by a majority vote of its members, adopt a preliminary resolution stating the reasons for his removal. The manager may reply in writing and may request a public hearing, which shall be held not earlier than 20 days and not later than 30 days after the filing of such request. After such public hearing, if one be requested, after full consideration, the council by majority vote of its members, may adopt a final resolution of removal. By the preliminary resolution, the council may suspend the manager from duty, but the regular salary of the manager shall continue to be paid to him during the period of suspension. If removal is voted, the council shall cause to be paid to the manager forthwith any unpaid balance of his salary for the next 2 calendar months.

Sec. 215. Council not to interfere in appointments or removals

Neither the council nor any of its members shall direct or request the appointment of any person to or his removal from office by the manager or by any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager, and neither the council nor any member thereof shall give orders to any subordinates of the manager, either publicly or privately.

ARTICLE III
TOWN MANAGER

Sec. 301. Appointment ; qualifications ; power 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 Rumford or of the State of Maine at the time of his appointment. However, during his tenure of office he shall reside within the Town of Rumford. He shall be overseer of the poor and shall have and exercise all powers and perform all the duties conferred or imposed by law upon said office. 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 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 following administrative officers and boards :

- A. Public works director
- B. Town engineer
- C. Town physician and health officer
- D. Dog officer
- E. Sealer of weights and measures
- F. Public health nurse.

2. **Compile annual budget.** Compile and submit to the town council by November 15th the complete budget request of all town departments for the ensuing year. A copy of said budget request shall also be forwarded to the finance-planning board.

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 appointment or 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 school department.

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. 303. 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

PERSONNEL SYSTEM

Sec. 401. Merit principal

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. When 2 or more employees are judged to be equally qualified, promotion shall be made on the basis of seniority.

Sec. 402. Personnel director

The town manager or his appointee shall be the personnel director.

Sec. 403. 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 one year. All succeeding appointments shall be made for terms of 3 years.

Sec. 404. Personnel rules

The town manager or his appointee 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:

1. 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;

2. A pay plan for all town positions ;
3. Methods for determining the merit and fitness of candidates for appointment or promotion, demotion or dismissal ;
4. The policies and procedures regulating reduction in force and removal of employees ;
5. A retention and retirement plan for town employees ;
6. The hours of work, attendance regulations and provisions for sick and vacation leave ;
7. The policies and procedures governing persons holding provisional appointments ;
8. The policies and procedures governing relationships with employee organizations ;
9. Policies regarding in-service training programs ;
10. 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 council with a copy to the aggrieved employee ; and
11. Other practices and procedures necessary to the administration of the town personnel system.

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 appointed by the town council for a term of 3 years, except that of those first appointed one shall be for a term of 2 years and one for a term of one year. 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.

ARTICLE VI
SCHOOL DEPARTMENT

Sec. 601. School committee

The school department shall be administered by a 5-member school committee. Each member shall be nominated and elected by the registered voters of the entire Town of Rumford according to the provisions of Article IX of this charter for a term of 3 years and who shall serve until their successors are elected and qualified. At the adoption of this charter all present school committee members will retain their office for their elected terms.

Sec. 602. Qualifications

Members of the school committee shall be registered voters of the town and shall reside in the town during their term of office. 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 bylaw or is convicted of a crime involving moral turpitude. Forfeiture of office shall be effective on certification by a majority of the remaining school committee members, and only after such certifications have been filed in the town clerk's office.

Sec. 603. Limitation of membership

No member of the town council or employee of the school department shall be eligible for election to the school board.

Sec. 604. Vacancy

If for any reason, a vacancy shall exist in the membership of the school committee, it shall be filled in accordance with the provisions of the Maine Revised Statutes Annotated, 1964, Title 20, chapter 15, as amended.

Sec. 605. Organization, quorum

The school committee shall meet for organization on the 2nd Wednesday of February. The members-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the town clerk-treasurer, and a record made thereof. The majority of the elected and serving members of the school committee shall be considered a quorum. The superintendent of schools shall be an ex-officio member of the school committee and shall act as secretary of that board. In connection with its procedure as a member of a school supervisory union, under the general law of the State of Maine, 3 members of the school committee shall act as members of the joint committee of the union, which 3 members shall be the chairman and 2 others elected for that purpose.

Sec. 606. Chairman, vice-chairman

The school committee shall elect by majority vote at the organization meeting one of its members as chairman and another member as vice-chairman for the ensuing year. The school committee may fill for the unexpired term any vacancy in the office of chairman or vice-chairman that may occur. The chairman shall be the titular head of the school department and shall preside at all

meetings of the school committee and the vice-chairman shall preside at meetings in the absence of the chairman.

Sec. 607. Meetings

Regular meetings of the school committee shall be held monthly. The day of the month and the time of the day of such regular meetings for the ensuing year shall be determined at the organizational meeting and the results of this decision made public. Special meetings shall be called by the chairman, with notification of such meeting to each member of the committee by the secretary of the committee. If a quorum is not present, those members present shall adjourn the meeting to a stated time and shall cause the absent members to be notified thereof.

Sec. 608. 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 on or before November 1st each year shall furnish copies of such estimates to the town council for their deliberations. In addition, the school committee shall prepare estimates for the finance-planning board in accordance with Article VIII of this charter.

Sec. 609. Procedure

The school committee shall act and express itself officially as a unit by means of majority votes of those members present in regular or special meetings and such votes shall be recorded. The superintendent of schools shall be the executive and administrative agent of the committee. Except as otherwise provided by this charter, the bylaws of the town or the general law of the State, the actions, instructions or opinions of individual members of the school committee shall have no force or effect.

Sec. 610. Compensation

The members of the school committee shall be compensated for their services to the town by an annual budget appropriation by the town council, with the amount of \$15 per meeting per member, not to exceed \$450 annually, and \$20 per meeting for the chairman, not to exceed \$600 annually.

ARTICLE VII
BUDGETARY PROCEDURE

Sec. 701. Fiscal year; budget year

The fiscal year of the town government shall begin the first day of January and shall end on the 31st day of December of each calendar year. Such fiscal year shall constitute the budget and accounting year as used in this charter. The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Sec. 702. Preparation and submission of the budget

Each department of the town that anticipates to spend funds during the coming year shall submit a budget to the town manager on or before November 1st for compilation and submission to the town council. 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 departments, offices and agencies of the town, including the school department. Each budget shall be compiled from detailed information furnished by the administrative officers and boards in a manner and format as designated by the town council.

1. At the time of submission of budgets to the town council, the town manager shall provide an exact statement of the financial condition of the town.

2. The budget of each department, office and agency of the town shall include an itemized statement of appropriations recommended for current expenses, and for capital improvements which have been submitted to the finance-planning board according to Article VIII. Comparative statements shall be prepared in parallel columns of estimated expenditures for the current year and actual expenditures for the next preceding fiscal year. Any increase or decrease in any item shall be so indicated.

3. Each department, office or agency of the town budget shall also include an itemized statement of estimated revenue from all sources, other than taxation; and a statement of taxes required, comparative figures for current and the next preceding fiscal year.

4. Failure to submit a budget request to the town manager on or before November 1st will result in the restriction of that department's operating budget request to an amount not to exceed the approved budget figure of the previous fiscal year.

Sec. 703. Approval of the budget

The town council shall hold open public hearings on the proposed budgets as presented by the different departments, offices and agencies of the town between the dates of December 1st and January 15th of each fiscal year. The town council shall fix the time and place for holding the public hearings on such budgets and shall give a public notice of such hearings. Separate public hearings shall be held for the budgets of the school department, highway department, public safety and other boards, commissions and offices of the town. The council shall thereafter review the budgets and adopt each and all budgets with or without change, on or before January 30th of each fiscal year, during an open public meeting. In the event the council shall fail to adopt the budget for the departments of the town within the dates specified, the budget as presented by that department or departments shall automatically become the budget for the fiscal year. Nothing herein shall be deemed to prevent the authorization by the council of bonds or notes of the town to finance a capital improvement not included in the capital program.

Sec. 704. Budget establishes appropriations

From the date of the adoption of the town budget, the several amounts

stated therein as proposed appropriations shall be and become appropriated to the several departments, offices and agencies.

Sec. 705. Budget establishes amount to be raised by property tax ; certification to the town assessor

From the date of adoption of the town 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 a corresponding tax year. A copy of the town budget as finally adopted shall be certified by the Town Manager and filed by him with the town assessor, whose duty it shall be to levy such taxes for the corresponding tax year.

Sec. 706. Budget summary.

At the head of the town 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 amounts 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. 707. 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 fiscal year. The gross appropriation for each department shall not be exceeded, except by consent of the town council. The budget as adopted for each department, office and agency shall be expended under the direction and control of that department, office or agency. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with the appropriations duly made and unless the town manager or his designee or the superintendent of schools or his designee, in the case of the school department, first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefor 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 of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made and approved by ordinance ; or to prevent the council from authorizing the construction, extension or improvement of a revenue producing facility or facilities, the issuance of revenue bonds or refunding bonds or pledging revenues from a revenue producing facility or facilities under and pursuant to general law.

Sec. 708. Work program ; allotments

Before February 15th of each year, and after the adoption of the budgets by the town council, 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 fiscal year.

The aggregate of such allotments shall not exceed the total of appropriations approved for said office, department or agency for the fiscal year. The town manager shall review the requested allotments and may during the fiscal year, if he deems it desirable, revise the allotments to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to section 709 of this Article.

Sec. 709. Transfer of appropriations

At the request of the town manager, or the superintendent of schools in the case of the school department, the town council may by resolution transfer any unencumbered appropriation balance or portion thereof, including surplus, between the general accounts.

Sec. 710. Capital improvements

Each department, office and agency of the town, planning a capital improvement in the operation of that department, office or agency, shall include the budget requirements for capital improvements in the budget request to the town council for the year that the capital improvement is to be accomplished or begun, as stipulated in section 702 of this Article.

Such capital improvements, as defined in section 702, shall be submitted by the department, office or agency as part of the respective department, office or agency 5-year, long-range plan. This 5-year, long-range plan of department, office or agency shall be prepared and submitted according to the provisions of the finance-planning board, as stipulated in Article VIII.

Sec. 711. Budget for year 1970; town meeting

The appropriation for the fiscal year 1970 shall be made by town meeting on the 2nd Monday in February of that year.

ARTICLE VIII

FINANCE-PLANNING BOARD

Sec. 801. Number, election, term

The finance-planning board shall consist of 5 members and 2 associate members to be appointed by the town council to rotating 5-year terms.

Sec. 802. Powers and duties

1. The board shall study capital improvement* requests by the various town departments, offices and agencies for the purpose of developing and coordinating long-range plans for the town. This will include an improvement program to provide the facilities and services necessary in keeping with future requirements.

* A capital improvement is defined as a capital expenditure for new buildings and equipment or new or expanded services.

2. The Board shall perform any other functions as stipulated by Maine law relating to town planning.

Sec. 803. Procedure

1. The finance-planning board shall be sworn in and shall meet within 10 days of its appointment by the town council to elect a chairman.

2. The finance-planning board shall hold public hearings between September 15th and October 15th of each year to review long-range plans of each department, office and agency of the town. Administrative officers and elected and appointed officials of said departments, offices and agencies, with the exception of the town council, shall be required to attend the hearings at times and locations set by the finance-planning board and will present information necessary to outline their proposed capital improvements and long-range plans.

3. The finance-planning board shall review the annual operating budget of each department, office or agency only as it pertains to capital improvements as defined in section 802. The board shall consider the installation or first-time cost of proposed capital improvements, methods of financing and changes in annual operating costs which would result from proposed capital improvements.

4. Upon completion of the public hearings, the finance-planning board shall prepare a 5-year plan, which it shall forward to the town manager by November 1st for submission to the town council at the time the budget requests are submitted. A copy of the 5-year plan shall be made available to each town department and to the local news media at the same time it is forwarded to the town manager.

The 5-year plan shall include :

A clear general summary of its contents ;

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 ;

Cost estimates, methods of financing and recommended time schedules for each such improvement ; and

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.

ARTICLE IX**NOMINATIONS AND ELECTIONS****Sec. 901. Municipal elections**

The regular election for the choice of members of the town council and the school committee shall be held on the 2nd Monday in February.

Sec. 902. Nomination

Any qualified voter of the town may be nominated for the town council or school committee. Nomination for election to such office shall be by petition or petitions filed with the town clerk not earlier than the first day of December and not later than 5:00 P. M. on the 7th day of January preceding the regular election, and the clerk shall note thereon the date and hour of filing. In the event of a special election to fill a vacancy in any office, such petitions shall be filed with the town clerk no sooner than 14 days and not later than 7 days prior to such election.

Sec. 903. Nomination petitions

Nomination petitions shall be in such form as determined by, and shall be prepared and supplied by, the town clerk only to the person seeking nomination or to his agent by written authority. They shall contain the name and street address of the candidate and shall specify the date of the meeting at which the election is to be held, the office and term for which nomination is sought, and a statement signed by the candidate to the effect that if elected, he will accept the office and qualify therefor. Each petition shall also contain a certificate of the person who circulated the same, certifying that he is the person who circulated the petition and that the signatures appearing thereon are genuine to the best of his knowledge and belief, and such certificate shall be sworn to before a notary public or justice of the peace. Such nominative petitions of each candidate running from a district shall be personally signed, in the aggregate, by at least 25 qualified voters of that district, and the nominative petition of each candidate running at large shall be personally signed, in the aggregate, by at least 50 qualified voters of the town, and opposite each signer's name shall appear his street address with number, if any. No voter shall sign a petition for more candidates for any office than there are vacancies to be filled. If he does so, his signature shall be valid on the first petition or petitions filed up to the number he is permitted to sign, but shall be void as to any petitions filed in excess of that number. It shall be the duty of the town clerk to determine whether the nomination petitions filed by or on behalf of a candidate comply with the provisions of this charter and entitle the candidate to have his name placed on the election ballot. In the event the town clerk is of the opinion that the petition or petitions of a candidate do not comply, he shall so notify the candidate as soon as may be possible; but in any event within 3 days following the day of filing, by letter deposited in the post office at Rumford and addressed to the candidate as his address appears on said petitions.

Sec. 904. 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.

The absentee voting procedure outlined in Title 21, Maine Revised Statutes Annotated, 1964, as amended, shall be used, except that the duties of the Secretary of State shall be performed by the town clerk.

ARTICLE X
INITIATIVE AND REFERENDUM

Sec. 1001. Petition for over-rule of town council

The following shall be subject to over-rule by referendum, as follows:

1. All ordinances;
2. Orders or resolves appropriating \$100,000 or more for a single capital improvement;
3. Orders or resolves authorizing general obligation 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 registered voters of the Town of Rumford, equal in number to 10% of the combined vote cast in the last preceding gubernatorial election 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 town election for the purpose of submitting to a referendum vote the question of adopting said ordinance, order or resolve. The referred ordinance, order or resolve shall not become effective until it has received a vote of the majority voting on said question.

Sec. 1002. Exceptions

Decisions of the town council regarding operating budgets and replacement of existing capital equipment shall not be subject to over-rule by referendum.

Sec. 1003. Petition for enactment of ordinances

Not less than 10% of the registered voters of the Town of Rumford 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 petition shall be prepared on forms which contain a complete text of the ordinance above the space for the names and addresses of the signers of the petition. The council shall call a public hearing to be held within 30 days from the day 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 of said town election, such ordinance shall have been 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 solicitor before being submitted to referendum. The town solicitor is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, legalities 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 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?)
The voters shall indicate by a cross or check mark placed in a box under the words Yes or No their opinion of the same.”

Sec. 1005. 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, or the stipulations as set forth in section 1002 of this Article, and should such proposition receive a majority vote cast thereon at such election, such ordinance, order or resolve shall be enacted, repealed or amended accordingly.

Sec. 1006. Initial municipal code

The initial municipal code shall be submitted to the registered voters of the town for their acceptance or rejection by the board of selectmen, or by the town council when elected, and when its judgment deems it proper.

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 Rumford, and will faithfully discharge the duties of the office of

Sec. 1102. Charter amendment

1. **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 of Rumford 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 combined vote cast in the last preceding gubernatorial election.

2. 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 1, 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 days 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.

3. 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. In the event that said charter is amended pursuant to this Article, a certified copy of same shall be sent to the office of the Secretary of State for filing and recording.

Sec. 1103. Ordinances not inconsistent continue in force

All ordinances or bylaws of the Town of Rumford 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. 1104. 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 discontinuance of such office or position.

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. Short title

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

Sec. 1107. Separability clause

If any portion of this charter shall be held to be invalid, such decision shall not affect the validity of the remaining portions thereof.

Sec. 1108. Repealing clause

All acts and parts of acts of the private and special laws of Maine relating to the Town of Rumford, inconsistent with the provisions of this charter, are repealed.

Referendum; effective date; certificate to Secretary of State. This Act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the Town of Rumford at any regular or special town election or state-wide election held before January 1, 1970, and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said town to vote on the approval or rejection of this Act.

The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this Act to the following question: "Shall 'An Act to Grant a New Charter to the Town of Rumford', passed by the 104th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the word "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 the charter on February 9, 1970.

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