

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

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**Legislative Document**

**No. 786**

H. P. 605

House of Representatives, February 12, 1969

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Cushing of Bucksport.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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**AN ACT Granting a Council-Manager Charter for the Town of Bucksport.**

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

Whereas, it is very desirable that the following Act be voted upon by the inhabitants of the Town of Bucksport at a special town election to be held before September 1, 1969; and

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

**ARTICLE I**

**Grant of Powers to the Town**

**Sec. 1.01. Powers of the town.**

The town shall have all the powers possible for a town to have under the Constitution and the laws of this State as fully and completely as though they were specifically enumerated in this charter.

**Sec. 1.02. Additional powers.**

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. 2.01. Number, eligibility, election and terms.**

1. **Number.** There shall be a town council of 7 members elected by the registered voters of the town.

2. **Eligibility.** Only qualified voters who reside in the town shall be eligible to hold office as councilmen.

3. **Election and terms.** At the first election under this charter, 2 councilmen shall be elected. The selectmen with the longest unexpired terms shall serve as councilmen for terms of 2 years. The selectmen with the next longest unexpired terms shall serve as councilmen for terms of one year. Thereafter regular elections of councilmen to fill the positions of those whose terms expire shall be held on the first Tuesday of November, and all councilmen shall be elected for a term of 3 years. The terms of councilmen shall begin the 2nd Monday of January after their election, upon their induction.

**Sec. 2.02. Induction of council into office.**

The town council shall meet at the usual place for holding meetings at 8:00 p.m. on the 2nd 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.

**Sec. 2.03. Compensation.**

The town council may determine the annual salary of the chairman and councilmen by ordinance, but no ordinance increasing such salary shall become effective until the commencement of the term of councilmen elected at the next regular election. Salaries of councilmen shall be paid on a quarterly basis for services performed in the preceding quarter. Initially, annual salaries shall be \$20 for attending regular and special meetings not to exceed \$400. The chairman shall receive \$25 per regular and special meetings, of which the total sum will not exceed \$500. Councilmen shall receive their actual and necessary expenses incurred in the performance of their duties of office.

**Sec. 2.04. Chairman—mayor.**

At the first meeting, or as soon as practicable, the town council shall elect, by majority vote of the council membership, one of its members for the ensuing year as chairman who will have the title of mayor 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. The council may appoint a secretary.

**Sec. 2.05. Power and duties.**

Except as otherwise provided by law or this charter (Ref. Art. IX.), 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 Bucksport.

**Sec. 2.06. 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 purposed 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. 2.07. Vacancies, forfeitures of office and filling of vacancies.**

1. **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.

2. **Forfeiture of office.** A councilman shall forfeit his office if he (1) lacks at any time during his term of office any qualifications of the office prescribed by this charter or by law, (2) is convicted of a crime involving moral turpitude, (3) fails to attend 3 consecutive regular meetings of the council without being excused by the council.

3. **Filling of vacancies.** A vacancy in any elected office shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than 60 days upon the occurrence of the vacancy, but the council by a majority vote of its members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office.

**Sec. 2.08. Judge of qualifications.**

The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the town at least one week in advance of the hearings. Decisions made by the council under this section shall be subject to review by the courts.

**Sec. 2.09. Meetings.**

1. 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 meeting and shall meet regularly at least once a month. All meetings of the council shall be open to the public in accordance with the laws of the State of Maine. The council may recess for the purpose of discussing in a closed or executive session limited to its own membership any matter which would tend to defame or prejudice the character or reputation of any person, provided that the general subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the council until the matter is placed on the agenda.

2. Special meetings may be held on the call of the council 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 12 hours' notice shall be given of the time and place of holding such adjourned meeting.

**Sec. 2.10. Town clerk.**

The town clerk's office shall be the depository for the journal and all other records of the council. The town clerk shall be responsible for the care of the records and shall make them available for public inspection.

**Sec. 2.11. Procedure.**

1. **Rules and journal.** The council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. The journal shall be a public record.

2. **Voting.** Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal.

**Sec. 2.12. Action requiring an ordinance.**

In addition to other acts required by law or by specific provisions of this charter to be done by ordinance, these acts of the town council shall be by ordinance which:

1. Adopt or amend an administrative code or establish, alter or abolish any city department, office or agency;

2. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed ;
3. Levy taxes, except as otherwise provided in Article VII with respect to the property tax levied by adoption of the budget ;
4. Grant, renew or extend a franchise ;
5. Authorize the borrowing of money ;
6. Convey or lease or authorize the conveyance or lease of any lands of the town, except tax acquired property ;
7. Adopt with or without amendment ordinances, proposed under the initiative power ;
8. Amend or repeal any ordinance previously adopted, except as otherwise provided in Article IX with respect to repeal of ordinances reconsidered under the referendum power.

Acts, other than those referred to in this section, may be done either by ordinance or by resolution.

#### **Sec. 2.13. Ordinances in general**

1. **Municipal ordinances.** The town council shall pass such municipal ordinances as they think necessary and proper provided that any such ordinances shall be properly adopted if a public hearing has been held thereon after not less than 7 days' notice thereof, which notice need only contain the title of the proposed ordinance and a brief summary of its contents together with the time and place of said hearing.

2. **Existing ordinances retained.** All existing ordinances of the Town of Bucksport shall be retained as active ordinances under this town charter.

3. **Procedure.** An ordinance may be introduced by any member at any regular or special meeting of the council and upon introduction of an ordinance, the town clerk shall distribute a copy to each council member and to the town manager, shall file a reasonable number of copies in the office of town clerk and such other public places as the council may designate, and shall publish the ordinance in a local newspaper posting and setting out the time and place for a public hearing which shall follow the publication by at least 7 days, which may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or reject it, but if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended section have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance. As soon as practicable after adoption of any ordinance, the town clerk shall have it published again together with a notice of its adoption.

4. **Effective date.** Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein.

**Sec. 2.14. Emergency ordinances.**

1. To meet a public emergency affecting life, health, property, or the public peace, the council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise or authorize the borrowing of money otherwise provided in this charter.

2. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify.

3. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

**Sec. 2.15. Codification; printing.**

1. **Codification.** Within 2 years after adoption of this charter and at least every 5 years thereafter, the council shall provide for the preparation of a general codification of all town ordinances and resolution having the force of law. The general codification shall be adopted by the council by ordinance and shall be published promptly in bound or loose-leaf form together with this charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Maine and such codes of technical regulations and other rules and regulation as the council may specify. This compilation shall be known and cited officially as the Bucksport Town Code. Copies of the code shall be furnished to the town officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price.

**Sec. 2.16. 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 evidence 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 post-audit the books and documents kept by the town treasurer, 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. 3.01. Title 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 clerk, town assessors, treasurer, tax collector and other board 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 council shall appoint a town attorney when necessary.

The town manager shall appoint the 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 subordinate in such department or office and except as otherwise provided in this charter.

**Sec. 3.02. 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. 3.03. Personnel system.**

1. **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.

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

3. **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.

4. **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:

- A. The classification of all town positions, based on the duties, authority and responsibility of each position, with adequate provisions 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 candidate 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 relationships with employee organizations ;
- H.** The policies and procedures governing persons holding provisional appointments ;
- I.** Policies regarding in-service programs ;
- J.** Grievance procedures, including procedures for the hearing of grievances by the Personnel Appeals Board, which may render advisory opinion 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. 4.01. 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 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. 4.02. Removal of town manager**

The town council may remove the manager 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. 4.03. Absence of town manager.**

By letter filed with the town clerk, the manager shall designate, subject to approval of the town council, a qualified resident 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.

**Sec. 4.04. 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 :

1. 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.
2. 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.
3. 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.
4. He shall prepare and submit the annual budget and a 5-year capital improvement program to the council.
5. 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.
6. 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.
7. 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.
8. 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.
9. He shall perform such other duties as are specified in this charter or may be required by the council.

**ARTICLE V****Special Administration****Sec. 5.01. Tax assessors.**

The assessors of taxes shall be 3 in number, appointed by the council. The chairman shall be designated by the council. They shall hold office for a term of 3 years or until their successors are appointed and qualified; except that at the first appointment one assessor shall be appointed for 3 years, one assessor for 2 years and one assessor for one year and thereafter one assessor shall be appointed each year for a term of 3 years, and each shall hold office until his successor is appointed and qualified. The present board shall remain in office for the balance of their elected term and shall be entitled to re-appointment.

**Sec. 5.02. 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. 5.03. Board of assessment review; powers; duties.**

The board of assessment review shall have the power to:

1. Review, on complaint of property owners, and revise assessments for the purpose of taxation of real and personal property within the town limits made by the town assessor;
2. Administer oaths;
3. Take testimony;
4. Hold hearings;
5. Adopt regulations regarding the procedure of assessment review.

**Sec. 5.04. Planning board.**

There shall be a town planning board which shall be appointed, have such powers and perform such duties as are provided by the laws of the State of Maine.

**Sec. 5.05. Comprehensive plan.**

There shall be a comprehensive plan for the development of the Town of Bucksport as provided by law.

**ARTICLE VI****Department of Education****Sec. 6.01. School committee.**

The department of education shall be administered by a 5-member school committee. At the first election under this charter, one member shall be

elected. The 4 members of the present school committee with the longest unexpired terms on the day of the election shall serve on the new school committee. The 5 members of the new school committee shall designate by lot 2 members to serve for 3 years, 2 members to serve for 2 years and one member to serve for one year. Thereafter regular elections of members of the school committee to fill the positions of those whose terms expire shall be held on the first Tuesday of November, and all members shall be elected for a term of 3 years. The terms of members of the school committee shall begin the 2nd Monday of January after their election and upon their induction.

**Sec. 6.02. Qualifications.**

Members of the school committee shall be qualified voters of the town and shall reside in the town during their term of office. They shall hold no office of employment or profit under this charter or ordinance. 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. 6.03. Vacancy.**

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

**Sec. 6.04. Organization ; qualification ; quorum.**

The school committee shall meet for organization at 8:00 p.m. on the 2nd Monday 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. 6.05. 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. 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.

**Sec. 6.06. Report.**

The department of education shall annually prepare a report of the affairs, conditions and a 5-year capital improvement program for the schools of the Town of Bucksport. This report shall be published in conjunction with the town manager's report.

## ARTICLE VII

### Budget

**Sec. 7.01. Fiscal year.**

The fiscal year of the town government shall begin the first day of January and shall end on the 31st day of December of each calendar year. 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. 7.02. 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 not 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:

1. Exact statement of the financial condition of the town.
2. An itemized statement of appropriations recommended for current expenses, and for permanent improvements; with comparative statements in parallel columns of estimated expenditures for the current year and actual expenditures for the next preceding fiscal year. An increase or decrease in any item shall be indicated.
3. An itemized statement of estimated revenue from all sources other than taxation; and a statement of taxes required, comparative figures from current and next preceding year.
4. Such other information as 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 45 days after the beginning of the fiscal year.

In the period from the first day of the fiscal year until the budget for the current fiscal year has been adopted, the budget for the prior fiscal year shall be deemed to have been adopted, on a month to month basis, with all items in it appropriated accordingly.

**Sec. 7.03. 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. 7.04. 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. 7.05. Administration of budget.**

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 sections 7.06, 7.07, 7.08 and 7.12.

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. 7.06. Transfer of appropriations.**

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. 7.07. Supplemental appropriations.**

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

**Sec. 7.08. Reduction of appropriations.**

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

**Sec. 7.09. Lapse of appropriations.**

Every appropriation, except an appropriation for a capital expenditures, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if 3 years pass without any disbursement from or encumbrance of the appropriation.

**Sec. 7.10. 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:

1. A clear general summary of its contents;
2. 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;
3. Cost estimates, method of financing and recommended time schedules for each such improvement; and
4. 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. 7.11. Council action on capital program.**

1. **Notice and hearing.** The council shall publish in one or more newspapers of general circulation in the town the general summary of the capital program and a notice stating:

- A. The time and places where copies of the capital program are available for inspection by the public; and
- B. The time and place, not less than 2 weeks after such publication, for a public hearing on the capital program.
- C. The council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the last day of the 10th month of the current fiscal year.

**Sec. 7.12. Emergency appropriations.**

To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of section 2.14. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time

to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

## ARTICLE VIII

### Nominations and Elections

#### Sec. 8.01. Municipal elections.

The regular election for the choice of elective officers of the town shall be held on the first Tuesday in November.

#### Sec. 8.02. Nomination.

Any qualified voter of the town who is a resident thereof may be nominated for an elective office in accordance with the laws of the State of Maine.

#### Sec. 8.03. 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.

## ARTICLE IX

### Referendum and Initiative

#### Sec. 9.01. Rights of initiative and referendum.

1. **Initiative.** The qualified voters of the town shall have power to propose ordinances to the council and, if the council fails to adopt any ordinance so proposed without any change in substance, to adopt or reject it at a town election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of town officers or employees.

2. **Referendum.** The qualified voters of the town shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a town election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

#### Sec. 9.02. Commencement of proceedings; petitioners' committee; affidavit.

1. Any 5 qualified voters may commence initiative or referendum proceedings by filing with the town clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.



2. Promptly after the affidavit of the petitioners' committee is filed, the clerk shall issue the appropriate petition blanks to the petitioners' committee.

3. 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 considered. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing.

4. Initiative and referendum petitions must be signed by 15% of the registered voters of the town and each voter's signature shall be followed by his address.

#### **Sec. 9.03. Procedure after filing.**

1. **Action of the clerk and council.** If, within 20 days after the enactment of any such ordinance, order or resolve, the appropriate petition signed by not less than 15% 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.

2. **Submission to voters.** The vote of the town on a proposed or referred ordinance shall be held not less than 30 days and not later than 6 months from the date of the final council vote thereon. If no regular town election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

3. **Withdrawal of petitions.** An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the town by filing with the town clerk a request for withdrawal signed by at least 4 members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

#### **4. Results of election.**

**A. Initiative.** If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

**B. Referendum.** If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

**Sec. 9.04. Ordinances, orders or resolves submitted to popular vote.**

1. 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.

2. All ordinances, all orders or resolves appropriating \$50,000 or more for a single capital improvement, and all orders or resolves authorizing bond issue of \$50,000 or more for capital improvements shall be submitted for popular vote.

**Sec. 9.05. 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 '.....	YES	NO
.....' be repealed? or adopted?"	<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 X**

**GENERAL PROVISIONS**

**Sec. 10.01. 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 Bucksport and will faithfully discharge the duties of the office of ....."

**Sec. 10.02. 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. 10.03. 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 IX, section 9.05.

**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. 10.04. Ordinances not inconsistent continue in force.**

All ordinances of the Town of Bucksport 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. 10.05. 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. 10.06. 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. 10.07. Short title.** This charter shall be known and may be cited as the "Council-Manager Charter of the Town of Bucksport." The clerk shall cause it to be printed and made available to the public promptly.

**Sec. 10.08. 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. 10.09. Repealing clause.**

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

**Emergency clause; 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 Bucksport at a special town election to be held before September 1, 1969.

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 meet in the several ward meetings of said town, there to cast their ballots on the approval or rejection of this Act.

The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this Act to the following question: "Shall 'An Act Granting a Council-Manager Charter for the Town of Bucksport,' 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 and a member of the school committee 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 Tuesday in November, 1969.

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