

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

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**Legislative Document**

**No. 1254**

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H. P. 962

House of Representatives, March 6, 1969

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

EERTHA W. JOHNSON, Clerk

Presented by Mr. Croteau of Brunswick.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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**AN ACT to Grant a New Charter to the Town of Brunswick.**

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

**BRUNSWICK TOWN CHARTER**

**ARTICLE I**

**Grant of Powers to the Town**

**Section 101. Incorporation**

The residents of the Town of Brunswick continue to be a municipal corporation called the Town of Brunswick, Maine.

**Section 102. Powers of the Town**

(a) In addition to those granted by this charter, the town has all the rights, powers, privileges and immunities of municipal corporations incorporated under the laws enacted by the Legislature and interpreted by the Supreme Judicial Court of the State of Maine.

(b) In addition to those authorized by this charter, the town may enact ordinances and provide penalties for their violation as authorized by the general laws of the State of Maine consistent with the Constitutions of the State of Maine and the United States of America.

**Section 103. Construction**

(a) The powers of the town under this charter shall be construed liberally in favor of the town.

(b) Whenever the words "assessor," "clerk," "council," "manager," and "treasurer" appear, they refer to the town assessor, town clerk, town council, town manager and town treasurer, respectively.

(c) "Councilman" refers to a member of the town council.

(d) The provisions of this charter which apply to departments of the town apply as well to offices or agencies of the town.

(e) "Town" refers to the Town of Brunswick.

## ARTICLE II

### Council

#### Section 201. Composition, eligibility, election and terms

(a) There shall be a council of 9 councilmen. Two councilmen shall be elected by the voters of the town at large, and one councilman shall be elected by the voters of each of the 7 districts established as provided in section 202.

(b) Only a voter who resides in the town is eligible to hold office as councilman. A district councilman must reside in the district from which he was elected.

(c) Each councilman shall be elected for a term of 2 years, and he shall serve until his successor is elected and qualified; except that, at the first election after the adoption of this charter, the councilman-elect at large receiving the most votes shall serve 2 years and the councilman-elect at large receiving the next highest number of votes shall serve one year. The 4 district councilmen receiving the most votes shall serve 2 years, and the 3 district councilmen receiving the next highest number of votes shall serve one year.

#### Section 202. Establishment of voting districts and qualifications; review of district boundaries

(a) Before this charter is submitted to the voters of the town for their approval, the board of selectmen shall divide the town into 7 voting districts, each of which must contain approximately the same number of voters. Before making this division, the board shall hold a public hearing, notice of which must be published in a newspaper having general circulation in the town at least 10 days before the hearing date.

(b) At least once every 5 years after the adoption of this charter, the council shall review the boundaries of the districts, and after notice and hearing, as provided in subsection (a), it shall revise the boundaries of the districts, if necessary, so that each will contain approximately the same number of voters.

#### Section 203. Powers and duties

Except as otherwise provided by law or by this charter, the powers of the town are vested in the council. The council shall see that this charter, the

town ordinances and the general laws of the State of Maine applicable to the town are enforced.

#### **Section 204. Prohibitions**

(a) A councilman may not hold any other town office and may not be a town employee.

(b) Except for the purpose of inquiry, the council and councilmen shall deal with the administrative officers solely through the manager. Neither the council nor any councilman may give orders to any subordinate of the manager, either publicly or privately.

#### **Section 205. Vacancies; forfeiture of office, filling of vacancies**

(a) The office of a councilman becomes vacant upon his death or resignation; and upon his removal from office, forfeiture of office, or permanent physical or mental disability resulting in decreased ability to perform his duties, all as determined by the council.

(b) A councilman forfeits his office if he fails to maintain any qualification required by this charter or by the general laws of the State of Maine.

(c) If there is a vacancy on the council, the remaining councilmen shall appoint a qualified person to fill the vacancy for the unexpired term.

#### **Section 206. Induction of council into office**

The council shall meet annually on the first business day of January at 7:30 p.m. at the municipal building or some other suitable public place in the town. At this time, councilmen-elect must be sworn to the faithful discharge of their duties by the clerk or by a justice of the peace.

#### **Section 207. Regular meetings**

(a) The council shall at its first meeting:

(1) Elect one of its members as chairman and another as vice-chairman.

(2) Establish by resolution a regular time and place to hold its meetings which shall take place at least once a month.

(3) Provide a method for calling special meetings.

(b) A majority of the council constitutes a quorum. A majority of a quorum is sufficient for a valid vote.

#### **Section 208. Compensation**

(a) The council may determine its compensation, but an increase does not become effective until the fiscal year following that in which it was adopted.

(b) Initially each councilman shall be paid an annual salary of \$1,000.

(c) Councilmen shall be paid at the end of each quarter. A councilman who is appointed to fill a vacancy shall be paid on a pro rata basis for the time he serves.

**Section 209. Rules of procedure; records**

The council shall determine its own rules of procedure. It shall maintain a permanent record of its proceedings as a public record.

**Section 210. Ordinances**

An act establishing a fine or other penalty must be enacted by ordinance.

**Section 211. Ordinance procedure**

(a) Before an ordinance is enacted, amended or repealed, the council shall hold a public hearing, notice of which must be published in a newspaper having general circulation in the town at least 10 days before the hearing date. The text of the intended act must be included in the notice where it is reasonable to do so, in the opinion of the council. Otherwise, the notice must contain a reasonable summary of the purpose of the intended act. In either case, a reasonable number of copies of the intended act must be made available to the public at the office of the manager for at least 10 days before the hearing date.

(b) An ordinance may not become effective until at least 30 days after enactment.

**Section 212. Emergency ordinances**

(a) To meet a public emergency affecting life, health, property or the public peace, the council may enact emergency ordinances. An emergency ordinance may not levy taxes or authorize the borrowing of money.

(b) An emergency ordinance may be enacted without notice or public hearing. It must be designated as an emergency ordinance and it must contain a preamble stating the emergency in specific terms.

(c) An emergency ordinance may be enacted, amended or rejected at the meeting at which it is introduced. The affirmative vote of at least 6 councilmen is required for enactment. After its enactment, the ordinance must be published immediately in a newspaper having general circulation in the town when it is reasonable to do so, in the opinion of the council. Otherwise, the notice must contain a reasonable summary of the purpose of the intended act. In either case, a reasonable number of copies of the intended act must be made available to the public at the office of the manager for at least 10 days before the hearing date. An emergency ordinance becomes effective upon enactment, but it is automatically void on the 15th day following the date on which it was enacted.

(d) An emergency ordinance may be repealed by the enactment of a repealing ordinance in the same manner specified in this section for the enactment of emergency ordinances. An emergency ordinance may become a regular ordinance by its reenactment according to section 211.

**Section 213. Independent annual audit**

Prior to the end of each fiscal year, the council shall designate the State Department of Audit or a certified public accountant who, as of the end of

the fiscal year, shall make an independent audit of all town accounts and financial transactions and submit a report to the council.

**Section 214. Clerk**

In addition to his other duties prescribed by this charter and by the general laws of the State of Maine, the clerk has custody of the records of the council. He shall certify to the authenticity of all ordinances, orders and resolutions of the council, and shall record them in a book kept for that purpose.

**Section 215. Town attorney**

The council shall appoint the town attorney and determine his compensation.

**ARTICLE III**

**Manager**

**Section 301. Appointments: qualifications: compensation**

The council shall appoint a manager for an indefinite term and fix his compensation. The manager shall be appointed solely on the basis of his character and his executive and administrative qualifications. He need not be a resident of the town or the State of Maine at the time of his appointment, but he may reside outside the town while in office only with the approval of the council.

**Section 302. Powers and duties of the manager**

The manager is the chief administrative officer of the town. He shall be responsible to the council for the administration of all town affairs placed in his charge under this charter. He has the following powers and duties:

(a) With the consent of the council, he shall appoint, prescribe the duties of, and when necessary remove all department heads of the town, including the assessor, clerk and treasurer, except as otherwise provided in this charter.

(b) He shall appoint, prescribe the duties of, and when necessary remove all other employees of the town, except as otherwise provided in this charter, and except as he may authorize the head of a department to appoint and remove subordinates in that department.

(c) He shall direct and supervise the administration of all departments of the town, except as otherwise provided by this charter or by the general laws of the State of Maine; but he shall have neither appointive power nor administrative duties with regard to the department of education.

(d) 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.

(e) He shall prepare annually a proposed budget, submit it to the council, and be responsible for its administration after adoption.

(f) He shall prepare an annual report for public distribution each year, which shall include detailed statements on the finances and administrative activities of all departments of the town for the preceding year.

(g) He shall maintain accounts in such a manner as to show fully at all times the financial condition of the town.

(h) He shall keep the council advised as to future needs, financial or otherwise, and make such recommendations as he may deem desirable.

(i) He shall be responsible for the collection of all taxes, special assessments, license fees and other revenues of the town or for whose collection the town is responsible and receive all money receivable by the town from the state or federal government, or from any department of the town.

(j) He shall perform such other duties as may be prescribed by this charter or required of him by the council, not inconsistent with this charter.

#### **Section 303. Absence of manager; acting manager**

The manager may, with the consent of the council, designate by letter filed with the clerk a qualified administrative officer of the town to perform his duties during his temporary absence or disability. If the manager fails to make such a designation, the council may by resolution appoint any qualified person to perform the duties of the manager until he returns or his disability ceases.

#### **Section 304. Removal of manager**

The council may remove the manager from office according to the procedure outlined in this section for the following reasons: Incompetence, neglect of duty, conviction of a crime involving moral turpitude, breach of trust, permanent mental or physical disability resulting in decreased ability to perform his duties or other reasonable cause.

(a) The council must adopt by affirmative vote of a majority of all its members a preliminary resolution stating the reasons for removal. It may suspend the manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the manager.

(b) Within 5 days after a copy of the resolution is delivered to the manager, he may file with the council an answer to the charges set forth in the resolution and a request for a public hearing. The hearing shall be held by the council at least 15 but not more than 30 days after the request is filed.

(c) The council may adopt a final resolution of removal by affirmative vote of a majority of all its members at any time after 5 days from the date when a copy of the preliminary resolution was delivered to the manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

(d) When adopted, a final resolution of removal may be made immediately effective.

(e) The town shall continue to pay the manager his salary until the effective date of a final resolution of removal.

**ARTICLE IV****Administrative Departments****Section 401. General provisions**

(a) **Creation of departments.** The council may establish town departments in addition to those created by this charter and may prescribe the functions of all departments, except that a function assigned by this charter to a particular department may not be discontinued or assigned to any other department.

(b) **Supervision of manager.** All departments under the supervision of the manager shall be administered by an officer appointed by and subject to the supervision of the manager. With the consent of the council, the manager may serve as the head of one or more departments, or he may appoint one person as the head of 2 or more of them.

**Section 402. Personnel system**

(a) 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 fitness demonstrated by examination or other evidence of competence.

(b) There shall be a personnel director.

(c) There shall be a personnel board consisting of 5 members appointed by the council from among the voters of the town. The term of office of a member is 3 years, but initial appointments shall be made as follows: 2 for 3 years, 2 for 2 years, and 1 for 1 year. A member of the board may not hold any other town office and may not be a town employee. The personnel director shall provide necessary staff assistance for the board.

(d) The personnel director shall prepare personnel rules. He shall submit the rules to the council for its approval. The rules must provide for:

(1) The classification of all town positions, based on the powers and duties 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 fitness of candidates for appointment, promotion, demotion or dismissal;

(4) Policies and procedures regulating reduction in force and removal of employees;

(5) A retention and retirement plan for town employees;

(6) Hours of work, attendance regulations and provisions for sick and vacation leave;

(7) Policies and procedures governing persons holding provisional appointments;



(8) 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 board, which may render advisory opinions based on its findings to the manager with a copy provided to the aggrieved employee; and

(11) Other practices and procedures necessary to the administration of the personnel system.

## ARTICLE V

### Financial Provisions

#### Section 501. Fiscal year

The fiscal year of the town is the calendar year.

#### Section 502. The budget

(a) Not later than January 15th of each year, the manager shall submit to the council a budget and an explanatory budget message. This budget must be compiled from detailed information furnished by the administrative offices and boards of the town, including the department of education. The budget shall contain:

(1) An exact statement of the financial condition of the town.

(2) An itemized statement of appropriations recommended for current expenses and for permanent improvements, together with comparative statements in parallel columns of expenditures for the current and the preceding fiscal year. Any 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, with comparative figures given for the current and the preceding year.

(b) Copies of the proposed budget shall be available to the general public not later than 2 weeks after its submission to the council. The council shall thereafter fix times and a place for holding 2 public hearings on the proposed budget, and shall give public notice thereof. The 2nd hearing shall be held at least 10 days before the final adoption of the budget by the council.

#### Section 503. Adoption of the budget

The council shall adopt a budget for the fiscal year not later than 60 days after that year commences. If the council fails to do so by that time, the budget submitted by the manager shall be deemed to have been adopted by the council.

#### Section 504. Budget appropriations established

The adoption of a budget for a fiscal year constitutes the appropriation of the amounts specified in it to the departments and for the purposes described in it.

**Section 505. Budget filed with assessor**

The manager shall file with the assessor a copy of the adopted budget certified by the clerk. The assessor shall levy the taxes necessary to raise that portion of the budget required to be provided by tax revenue.

**Section 506. Treasurer**

The treasurer shall have custody of all town funds. He shall have custody of all invested funds of the town or held by the town in a fiduciary capacity. He shall make disbursements from public funds as directed by warrant of the council.

**Section 507. Limits on expenditures; transfers of appropriations**

(a) A department, including the department of education, may not expend in any one year a larger sum than its gross appropriation, except by vote of the council. The manager may at any time transfer the balance of any unencumbered appropriation between general classifications of expenditures within a department.

(b) At the request of the manager, and within the last 3 months of the budget year, the council may by resolution transfer any unencumbered appropriation balance from one department to another.

**Section 508. Borrowing in anticipation of taxes**

In anticipation of the collection of taxes, the council may authorize borrowing by the issuance of notes, which may be renewed, but all such notes or renewals must mature and be paid no later than the end of the current fiscal year.

**Section 509. Emergency appropriations**

To protect the public health, safety and welfare of the town in a case of emergency, the council may, for other than a regular or recurring requirement, transfer from unappropriated available revenue such amounts as it may deem necessary to meet the emergency. Such transfers must be by resolution adopted by a majority of the council and may be made only upon the recommendation of the manager.

**Section 510. Lapse of appropriations**

All appropriations lapse at the end of the fiscal year to the extent that they have not been expended or lawfully encumbered.

**Section 511. Capital improvements; issuance of bonds**

Nothing in this charter shall be construed to prevent the 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 such action is made or approved by ordinance.

## **ARTICLE VI**

### **Capital Program**

#### **Section 601. Capital program**

The manager shall prepare and submit to the council a 5-year capital program at the same time that he submits the annual budget. The capital program must include:

- (a) A complete, accurate summary of its contents;
- (b) 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 these improvements;
- (c) Cost estimates, methods of financing and recommended time schedules for each capital improvement;
- (d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

#### **Section 602. Revision and extension of capital program**

- (a) Each year the capital program shall be reviewed and extended with regard to capital improvements contemplated, pending or in process of construction or acquisition.
- (b) The council shall fix a time and place for holding a public hearing on the capital program, and shall give public notice of the hearing.
- (c) The council shall adopt the capital program with or without amendments after public hearing, but nothing in this article 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.

## **ARTICLE VII**

### **Tax Administration**

#### **Section 701. Assessor**

There shall be a single assessor. He has the powers prescribed for assessors by the general laws of the State of Maine.

#### **Section 702. Board of assessment review; appointments; vacancies**

- (a) There shall be a board of assessment review consisting of 5 members appointed by the council from among the voters of the town. The term of office of a member is 3 years, but initial appointments shall be made as follows: 2 for 3 years, 2 for 2 years, and one for one year.
- (b) If a member of the board ceases to be a resident of the town, his office shall immediately become vacant.
- (c) Any vacancy on the board shall be filled by appointment of the council for the unexpired term.

(d) Annually, on or about January 15th, the board shall choose a chairman, vice-chairman and secretary from its membership. The chairman shall preside at all meetings. The vice-chairman shall preside in his absence. The secretary shall keep a complete, accurate record of all votes taken at the meetings.

(e) Three members of the board of assessment review constitute a quorum for the purpose of hearing and voting upon a matter presented to the board. Any member having a financial interest in a matter presented to the board shall disqualify himself and the remaining members of the board constitute a quorum to determine the matter.

(f) The council shall determine the compensation of the members of the board.

### **Section 703. Board of assessment review; powers; duties**

The board of assessment review has the powers and duties prescribed by the general laws of the State of Maine for boards of assessment review. It may adopt regulations necessary for it to carry out its function of assessment review. These regulations shall be published annually in a newspaper having general circulation in the town.

## **ARTICLE VIII**

### **Planning and Zoning**

**Section 801. Planning board** There shall be a planning board.

(a) Appointments to the board shall be made by the council.

(b) The board shall consist of 5 members and 2 associate members.

(c) The term of office of a member is 3 years, but initial appointments shall be made as follows: 2 for 3 years, 2 for 2 years and one for one year. The term of office of an associate member is 3 years.

(d) When a member is unable to act because of interest, physical incapacity, absence or any other reason, the chairman shall designate an associate member to act in his stead. When there is a permanent vacancy, the council shall appoint a qualified person to serve for the unexpired term.

(e) An associate member may attend all meetings of the board and participate in its proceedings, but he may vote only when he has been designated by the chairman to act for a member.

(f) Annually, on or about January 15th, the board shall elect a chairman and vice-chairman from its membership. The chairman shall preside at all meetings of the board. The vice-chairman shall preside in his absence.

(g) The planning board has all the powers and duties prescribed for planning boards by the general laws of the State of Maine.

**Section 802. Zoning board of appeals** There shall be a zoning board of appeals.

(a) Appointments to the board shall be made by the council.

- (b) The board shall consist of 5 members and 2 associate members.
- (c) The term of office of a member is 3 years, but initial appointments shall be made as follows: 2 for 3 years, 2 for 2 years and one for one year. The term of office of an associate member is 3 years.
- (d) When a member is unable to act because of interest, physical incapacity, absence or any other reason, the chairman shall designate an associate member to act in his stead. When there is a permanent vacancy, the council shall appoint a qualified person to serve for the unexpired term.
- (e) Annually, on or about January 15th, the board shall elect a chairman, vice-chairman and secretary from its membership. The chairman shall preside at all meetings of the board. The vice-chairman shall preside in his absence. The secretary shall keep the official records of the board.
- (f) The board has all the powers and duties prescribed for zoning boards of appeal by the general laws of the State of Maine.

**Section 803. Code board of appeals** There shall be a code board of appeals.

- (a) Appointments to the board shall be made by the council.
- (b) The board shall consist of 3 members and one associate member.
- (c) The term of office of a member is 3 years, but initial appointments shall be made as follows: one for 3 years, one for 2 years and one for one year. The term of office of an associate member is 3 years.
- (d) When a member is unable to act because of interest, physical incapacity, absence or any other reason, the chairman shall direct the associate member to act in his stead. When there is a permanent vacancy, the council shall appoint a qualified person to serve for the unexpired term.
- (e) Annually, on or about January 15th, the board shall elect a chairman, vice-chairman and secretary from its membership. The chairman shall preside at all meetings of the board. The vice-chairman shall preside in his absence. The secretary shall keep the official records of the board.
- (f) The board shall replace the municipal officers in hearing appeals from building, housing and fire prevention codes, and any other code enacted under the authority of the Revised Statutes, Title 30, section 2151, subsection 4, paragraphs A and B. In enacting these codes, the council may provide for any necessary rules of procedure to be followed by the board.

## ARTICLE IX

### Department of Education

#### Section 901. School Board

The department of education shall be administered by a school board, which shall be composed of 5 members, each of whom shall be elected by the voters of the entire town for a term of 3 years, and shall serve until his successor is elected and qualified. Except, that at the first election after the

adoption of this charter, the 2 members-elect receiving the most votes shall serve 3 years, the 2 members-elect receiving the next highest number of votes shall serve 2 years, and the member-elect receiving the next highest number of votes shall serve one year.

**Section 902. Ex officio member**

The council shall designate one of its members to be an ex officio member of the school board but he shall have no vote in its proceedings.

**Section 903. Qualifications**

Members of the school board must be voters of the town and must reside in the town during their terms of office. They may not hold any other town office nor be a town employee. If a member of the school board ceases to maintain any of these qualifications, his office immediately becomes vacant.

**Section 904. Vacancy**

If for any reason a vacancy exists in the membership of the school board, it shall be filled by a majority vote of the school board until the next town election, at which time a new member shall be elected to fill the unexpired term.

**Section 905. Organization**

The school board shall meet on the first business day of January at 8:00 p.m. for the purpose of organization. At this time, members-elect shall be sworn to the faithful discharge of their duties by the clerk or by a justice of the peace. The school board shall elect its own chairman. The ex officio council member may not be chairman. Three members of the school board constitute a quorum for the transaction of business.

**Section 906. Powers and duties**

The school board has all the powers and duties prescribed for superintending school committees by the general laws of the State of Maine, except as otherwise provided by this charter. The school board shall prepare budget estimates in detail of the amounts required during the ensuing fiscal year for the support of the public schools and shall furnish copies of these estimates to the manager on or before the beginning of the fiscal year.

**Section 907. Meetings**

The school board shall hold at least one meeting a month, except during July and August.

**Section 908. Compensation**

- (a) The council may determine the compensation of the school board.
- (b) Initially, each school board member shall be paid an annual salary of \$300.

**Section 909. School capital program**

The school board shall prepare and submit to the council a 5-year school capital program at the same time that it submits its annual budget. The school capital program shall be prepared and revised in the same manner required of the manager by Article VI of this charter.

## ARTICLE X

### Nominations and Elections

#### Section 1001. Municipal elections

The regular annual election of councilmen and members of the school board shall be held on the first Monday in December.

#### Section 1002. Nomination

(a) Nomination shall be by petition which must be signed personally by at least 100 voters, except that in the case of a nomination for district councilman, the petition must be signed by at least 25 voters residing in that district.

(b) A voter may not sign more than one petition for each office to be filled, and if he does so, his signature is void except as to the first petition filed. After his name, the voter must personally add his street address.

(c) Nominating petitions must be signed and filed with the clerk not earlier than 45 days nor later than 15 days before the date of election.

(d) A nomination is not valid unless the candidate files with the clerk not later than 15 days before the date of election, his written consent to accept nomination, agreeing not to withdraw, and if elected, to qualify.

#### Section 1003. Election provisions

Except as otherwise provided by this charter, the qualification of voters, voter registration, the manner of voting, the powers and duties of election officials and all other matters concerning the preparation for and the conduct of elections as prescribed by the general laws of the State of Maine shall govern all town elections wherever they are applicable.

#### Section 1004. Voting places

The voting places for state and town elections shall be the same.

## ARTICLE XI

### Initiative and Referendum

#### Section 1101. Power of referendum

All ordinances, orders or resolves appropriating \$100,000 or more for a single capital improvement and orders or resolves authorizing bond issues of \$100,000 or more for one or more capital improvements are subject to repeal by referendum.

#### Section 1102. Referendum procedures

(a) Any 5 voters may begin referendum proceedings by a written request made to the clerk for referendum petition forms. All papers of the petition must be uniform in size and style and must be assembled as one instrument for filing. They must contain or have attached thereto throughout their circulation the full text of the ordinance, order or resolve sought to be repealed. The petition must be signed personally by voters of the town, and after his name, the voter must personally add his street address.

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

(c) If, within 20 days after the enactment of the ordinance, order or resolve, a referendum petition signed by not less than 5% of the voters of the town is filed with the clerk, the council shall call a public hearing to be held within 30 days from the date of the filing of the petition with the clerk. Within 30 days after the hearing, the council shall call a special election for the purpose of submitting to a referendum vote the question of repealing the ordinance, order or resolve.

#### **Section 1103. Referendum petitions; suspension of effect of ordinance**

When a referendum petition is filed with the clerk, the ordinance, order or resolve sought to be repealed shall be suspended from taking effect. The suspension shall terminate when:

- (a) The ordinance, order or resolve has been affirmed by a majority of the votes cast; or
- (b) There is a final determination of the insufficiency of the petition; or
- (c) The council repeals the ordinance, order or resolve.

#### **Section 1104. Ordinances, orders or resolves submitted to popular vote**

The council may submit on its own initiative a proposal for the enactment, repeal or amendment of any ordinance, order or resolve to be voted upon at any town election. If the proposal receives a majority of the votes cast, it is enacted, repealed or amended accordingly.

#### **Section 1105. Enactment of ordinances by initiative**

Ordinances may be enacted by the following initiative procedure:

(a) Any 5 voters may begin initiative proceedings by a written request made to the clerk for initiative petition forms. The complete text of the proposed ordinance must be included with the request. All papers of the petition must be uniform in size and style and must be assembled as one instrument for filing. They must contain or have attached thereto throughout their circulation the full text of the proposed ordinance. The petition



must be signed personally by voters of the town, and after his name, the voter must personally add his street address.

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

(c) Upon receipt by the clerk of the initiative petition, signed by not less than 5% of the voters of the town, the council shall call a public hearing to be held within 30 days from the date of the filing of the petition with the clerk. Within 30 days after the public hearing, the council shall call a special election for the purpose of submitting to a vote the question of enacting the ordinance, unless it is enacted by the council prior to the call for the election. The ordinance shall be enacted and take effect when a majority of those voting thereon shall have voted in the affirmative.

(d) The proposed ordinance shall be examined by the town attorney before being submitted to the voters. He shall correct its form for the purpose of avoiding repetition and assuring accuracy in its text and precision in its phraseology without materially changing its meaning and effect.

#### **Section 1106. Publication**

When an ordinance, order or resolve is required to be submitted to the voters of the town by initiative or referendum, the council shall have its complete text published in a newspaper having general circulation in the town at least 15 days before the date of election, unless it would be unreasonable to do so in the opinion of the council. The manager shall make a reasonable number of copies available to public inspection at least 15 days before the date of election.

#### **Section 1107. Form of referendum question on ballot**

The form of referendum questions for the repeal of an ordinance, order or resolve shall be stated on the ballot substantially as follows:

Shall the ordinance entitled (title of ordinance) enacted by the council on (date of enactment) be affirmed?

Shall the order (or resolve) appropriating \$\_\_\_\_\_ for the (describe capital improvement) adopted by the council on (date of adoption) be affirmed?

Shall the order (or resolve) authorizing the issue of bonds by the town in the amount of \$\_\_\_\_\_ for the (describe capital improvement) adopted by the council on (date of adoption) be affirmed?

#### **Section 1108. Form of initiative question on ballot**

The form of initiative questions for the enactment of an ordinance or for the adoption of an order or resolve shall be stated on the ballot substantially as follows:

Shall an ordinance entitled (title of ordinance) be enacted?

Shall an order (or resolve) authorizing an appropriation of \$\_\_\_\_\_ for the (describe the capital improvement) be adopted?

Shall an order (or resolve) authorizing the issue of bonds by the town in the amount of \$\_\_\_\_\_ for the (describe the capital improvement) be adopted?

**ARTICLE XII**

**General Provisions**

**Section 1201. Oath of office**

Every town official 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 clerk.

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States of America and of the State of Maine; that I will, in all respects, observe the provisions of the charter and ordinances of the Town of Brunswick, and will faithfully discharge the duties of the office of .....

**Section 1202. Ordinances remain in force**

All town ordinances in force at the time this charter becomes effective, which are not inconsistent with it, remain in force until amended or repealed.

**Section 1203. Expiration of terms of selectmen and school committee**

The terms of present members of the board of selectmen shall expire at 7:30 p.m. on the first business day of January, 1970. The terms of present members of the superintending school committee shall expire at 8:00 p.m. on the first business day of January, 1970.

**Section 1204. Expiration of terms of other officials**

The terms of all other elected or appointed town officials shall expire on January 15, 1970 at 7:30 p.m.

**Section 1205. Existing rights continued**

All rights and duties, actions or causes of action, contracts and other choses in action which are in existence at the time this charter becomes effective remain in existence and may be enforced or otherwise treated as if they had originated under this charter, unless they are clearly inconsistent with it.

**Section 1206. Public records**

The records and documents required by this charter are public records.

**Section 1207. Short title**

This charter shall be known and may be cited as the "Brunswick Town Charter." The clerk shall have it printed and made available to the public promptly.

**Section 1208. Severability clause**

The invalidity of any provision of this charter does not invalidate any other provision.

**Section 1209. Repealing clause**

All acts and parts of acts of the private and special laws of Maine relating to the Town of Brunswick which are 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 Brunswick at any special town election held on or before November 1, 1969. The board of selectmen shall issue a warrant calling the special election, in the same manner in which town meetings are called, to vote on the approval of this Act.

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

“Shall ‘An Act to Grant a New Charter to the Town of Brunswick,’ passed by the 104th Legislature, be accepted?”

Each voter shall indicate his choice by placing a cross or check mark in the square marked “Yes” or “No” on the ballot. This Act shall take effect for the purpose of calling and holding an election of town officials immediately upon its acceptance by a majority of those casting votes at the special town election. For all other purposes, this Act shall take effect on January 1, 1970.

The result of the vote at the special town election shall be declared by the board of selectmen of the Town of Brunswick and a copy of the declaration, certified by the town clerk, shall be filed by the clerk with the Secretary of State.