

MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 1270

H. P. 1075

House of Representatives, March 9, 1955.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Walsh of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

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

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

TOWN CHARTER OF BRUNSWICK

ARTICLE I

GRANT OF POWERS TO THE TOWN

Sec. 101. Corporate existence retained. The inhabitants of the town of Brunswick within the corporate limits as now established or as hereafter established in the manner provided by law shall continue to be a municipal corporation by the name of the Town of Brunswick, Maine.

Sec. 102. Powers of the town. The town 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 authorities thereof; it may enact by-laws, regulations and ordinances not inconsistent with the Constitution and laws of the State of Maine, and impose penalties for the breach thereof not exceeding \$100 in any one case, to be recovered to the use of said town on complaint or by other appropriate action before the municipal court of said town.

The town may acquire property within or without its corporate limits for any town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interest may require.

In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the town would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the town may have all the powers necessary or convenient for the conduct of its municipal affairs, including all powers the Town may assume the conduct of its municipal affairs, including all powers the Town may assume pursuant to state laws and to the provisions of the State Constitution.

ARTICLE II

TOWN MEETING

Sec. 201. Purpose, calling and conduct of town meetings. An annual town meeting for the consideration of town appropriations and finances shall be held on the 1st Monday of May each year and shall be called by a warrant signed by the town council, which warrant shall specify the hour and place at which the meeting shall be held; and in separate and distinct articles shall state the business to be acted upon at said meeting. Special town meetings shall be called by the town council in like manner when required under the terms of this charter. The laws and statutes of the State of Maine shall in all cases where applicable determine the procedure for the calling and conduct of town meetings, annual or special, unless this Charter otherwise provides.

Sec. 202. Town meeting action required; powers of the town meeting. The function of a town meeting, annual or special, shall be to act upon town financial matters as specified hereinafter and otherwise to act pursuant to this Charter. Approval of the town meeting shall be required:

1. In the raising and appropriating of all moneys for the operation of the town and its various departments.
2. To fix a date when taxes shall become due and payable, and to determine if interest shall be charged on unpaid town taxes and at what rate.
3. To authorize borrowing by the issuance of bonds and notes; except bonds and notes in anticipation of taxes to be paid within the fiscal year in which issued, or to meet emergency appropriations, or in anticipation of other revenues as provided in Article VII of this Charter.
4. To approve the sale of real estate valued in excess of \$1,000 used or reserved for town purposes or for the purchase of real estate at a cost in excess of \$1,000.

ARTICLE III

TOWN COUNCIL

Sec. 301. Number, election, term. The town council shall be composed of 7 members, each of whom shall be elected by the registered voters of the entire town in the manner prescribed in Article XIV. Each member shall be elected for a term of 3 years and until his successor is elected and qualified, except as hereinafter provided in this section. At the 1st election of members of the town council held after the adoption of this charter, 7 members shall be elected; the 3 members-elect who shall receive the largest number of votes cast shall hold office for 3 years. The 2 members-elect who shall receive the next largest number

of votes cast shall hold office for 2 years. The other 2 members-elect shall hold office for 1 year. Each shall hold office until his successor is elected and qualified,

Sec. 302. Powers and duties. The administration of all the fiscal, prudential and municipal affairs of said town with the government thereof, except the general management, care, conduct and control of the schools of said town, which shall be vested in a school committee as hereinafter provided, and also except as otherwise provided by this charter, shall be and is vested in the town council.

The members of the town council shall be and constitute the municipal officers of the town of Brunswick for all purposes required by statute, and, except as otherwise herein specifically provided, shall have all powers and authority given to, and perform all duties required of, municipal officers and mayors of towns under the laws of this state.

All the powers of establishing a watch and ward, now vested by the laws of the state in the justices of the peace and municipal officers or inhabitants of towns, are vested in the said town council so far as relates to said town; and they are authorized to unite the watch and police department and establish suitable regulations for the government of the same.

Sec. 303. Residue of powers. All other powers now or hereafter vested in the inhabitants of said town and all powers granted by this charter, except as herein otherwise provided, shall be vested in said town council.

Sec. 304. Enumeration of powers. Without limitation of the foregoing, the council shall have power to:

1. Appoint and remove the town manager.
2. By ordinance create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this charter. The council by ordinance may assign additional functions or duties to offices, departments or agencies established by this charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this charter to a particular office, department or agency.
3. Recommend the budget to the town meeting and shall have the power to designate articles in the town meeting warrant to be voted upon by secret ballot at an adjourned town meeting to follow within 10 days of the regular town meeting.
4. Approve and recommend to the town meeting the issuance of bond by a bond ordinance.
5. Inquire into the conduct of any office, department or agency of the town and make investigation as to municipal affairs.
6. Adopt plats.
7. Adopt and modify the official map of the town.
8. Regulate and restrict the height and the number of stories of buildings and other structures, the size of yards and courts, the density of population and

the location and use of buildings for trade, industry, business, residence or other purposes.

9. Provide for safe and sanitary housing accommodations for families of low income.

10. Create a housing authority.

11. Adopt, modify and carry out plans proposed by the Planning Commission for the clearance of slum districts and rehabilitation of blighted areas.

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

13. Provide for an annual audit.

Sec. 305. Appointments by town council. The following officers and boards shall be appointed by ballot by a majority vote of the members of the town council; town clerk, assessor, treasurer, Brunswick trustees of the water district, trustees of the sewer district, town attorney, members of the recreation commission, members of the planning commission, members of the zoning board of appeals, and members of the personnel board.

Sec. 306. Qualifications. Councilmen shall be qualified voters of the town and remain inhabitants of the town during their term of office. They shall hold no other office of emolument or profit under the town charter or ordinances. If a councilman shall cease to possess any of these qualifications or shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant.

Sec. 307. Compensation. Councilmen shall receive not less than \$10 for each council meeting upon attendance, not to exceed in the aggregate a sum to be determined by ordinance. The town council by order shall fix the salaries of officials appointed by the town council, including the salaries of the town manager and the assessor. Salaries of the appointees of the town manager shall be approved by the council upon recommendation of the town manager.

Sec. 308. Induction of council into office. The town council shall meet the first business day in January following the regular town election, and at said meeting, councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the town clerk.

Sec. 309. Regular meetings. The town council shall, at its first meeting or as soon thereafter as possible, establish by ordinance or resolution a regular place and time for holding its regular meetings, and shall meet regularly at least once a month. All regular meetings of the town council shall be open to the public.

Sec. 310. Special meetings. Special meetings may be called on 24-hours' notice by the chairman and, in the case of his absence, disability or refusal, may be called by a majority of the town council.

Sec. 311. Chairman. At its first meeting or as soon thereafter as practicable the council shall elect, by majority vote of the entire council, one of its members for the ensuing year as chairman, and the town council may fill, for an unexpired term, any vacancy in the office of chairman that may occur. The chairman shall preside at meetings of the council and shall be recognized as head of the town government for all ceremonial purposes and by the Governor for the purposes of military law, but he shall have no regular administrative duties.

Sec. 312. Quorum. A majority of the town council shall constitute a quorum for the transaction of business.

Sec. 313. Vote, how taken. In all meetings of the town council the vote shall be taken by yeas and nays on the passage of all ordinances, and on the passage of any resolve or order when called for by any member of the council, and such yea and nay votes shall be entered on the record of the proceedings of the council by the town clerk.

Sec. 314. Vacancies in council. If a seat in the council becomes vacant, it shall be filled by a majority vote of the council until the next municipal election when a new member shall be elected to fill the unexpired term. A vacancy shall be created on the town council upon the death or resignation of a member of the town council or when a member of the town council ceases to reside in the town.

Sec. 315. Rules of procedure; journal. The council shall determine its own rules and orders of business. It shall keep a journal of its proceedings and the journal shall be open to public inspection.

Sec. 316. Ordinances. In addition to such acts of the council as are required by statute or by this charter to be by ordinance, every act of the council establishing a fine or other penalty, shall be by ordinance. The enacting clause of all ordinances shall be, "The Council of the Town of Brunswick hereby ordains."

Sec. 317. Procedure for passage of ordinances; first reading. Every ordinance shall be introduced in writing and after passage on first reading shall be published in a local newspaper at least once, together with a notice of the time and place when and where it will be given a public hearing and be considered for final passage. The first such publication shall be at least 1 week prior to the time advertised for hearing. If the proposed ordinance exceeds 1,000 words, a summary only may be published.

Sec. 318. Second reading and public hearing. At the time and place so advertised, or at any time and place to which such hearing shall from time to time be adjourned, all persons interested shall be given an opportunity to be heard.

Sec. 319. Final passage. After such hearing, the council may finally pass such ordinances with or without amendment. The second passage of any ordinance pursuant to this charter shall be final and no further passage shall be required. No ordinance shall require the sanction of any court or justice.

Sec. 320. Publication of ordinances after final passage. After final passage, every ordinance shall be published in full in a local newspaper, except that a

summary only of those exceeding 1,000 words in length may be published in a local newspaper. Copies of all ordinances shall be available at the office of the town clerk. Every ordinance, unless it shall specify an earlier or a later date, shall become effective at the expiration of 20 days after such publication following final passage, or if the ordinance be submitted at a referendum election, then at the expiration of 20 days, upon a favorable vote of the majority of those voting thereon, except as otherwise expressly provided by this charter.

Sec. 321. Independent annual audit. Prior to the end of each fiscal year, the council shall designate the State Department of Audit or private qualified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the town government and shall submit their report to the council and the town manager. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the town government or any of its offices. They shall not maintain any accounts or records of the town business, but, within specifications approved by the council shall post-audit the books and documents kept by officers of the town and any separate or subordinate accounts kept by any office, department or agency of the town government.

Sec. 322. Appointment of town manager. The council shall appoint as an officer of the town a person who shall have the title of town manager and shall have the powers and perform the duties in this charter provided. No councilman shall receive such appointment during the term for which he shall have been elected, nor within 1 year after the expiration of his term.

Sec. 323. Removal of town manager. The council shall appoint the town manager for an indefinite term and may remove him by a majority vote of its members. At least 30 days before such removal shall become effective, the council shall by majority vote of its members adopt a preliminary resolution stating the reason for his removal. The manager shall have an opportunity to answer in writing and may request a hearing before the council. If, after such hearing, removal is voted, the town council shall cause to be paid to the manager forthwith any unpaid balance of his salary.

Sec. 324. 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 town manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the town. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the town manager, and neither the council nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately.

Sec. 325. Town Clerk. The town clerk shall give notice of the meetings of the town council, shall keep journals of its proceedings, shall authenticate by his signature and record in a book kept for the purpose, all ordinances and resolutions and shall perform such other duties as shall be required by this charter or by ordinance.

Sec. 326. Finance committee. The moderator of the town shall appoint a finance committee, and it shall be the duty of this committee to consult at least quarterly with the town council, and to advise the town council in its annual consideration of the budget.

ARTICLE IV

THE TOWN MANAGER

Sec. 401. The town manager; qualifications. The town manager shall be chosen by the council solely on the basis of his character and his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the town or state, but during his tenure of office he shall reside in the town.

Sec. 402. The town manager, chief executive. The town manager shall be the chief executive officer and the head of the administrative branch of the town government, and he shall devote his full time to his duties as manager. He shall be responsible to the council for the proper administration of all affairs of the town and to that end, subject to the personnel provisions of this charter, he shall have the power and shall be required to:

1. Appoint, prescribe the duties of, and when necessary for the good of the service, remove all officers and employees of the town, except as otherwise provided herein, and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office.

2. Prepare the budget annually, submit it to the council, and be responsible for its administration after adoption.

3. 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.

4. 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. Collect 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 court, or from any office or department or agency of the town.

6. Perform such other duties as may be prescribed by the charter or required of him by the council, not inconsistent with this charter.

Sec. 403. Absence of town manager. To perform his duties during his temporary absence or disability, the manager may, with the consent of the council, designate by letter filed with the town clerk a qualified administrative officer of the town. In the event of failure of the manager to make such designation, the council may by resolution appoint any officer of the town to perform the duties of the manager until he shall return or his disability shall cease.

Sec. 404. Administrative departments. There may be a department of education, department of recreation, department of public works, department of police, a fire department and such other departments as may be established by ordinance.

Sec. 405. Directors of departments. At the head of each department, except the department of education, there shall be a director or chief, who shall be an officer of the town and shall have supervision and control of the department, subject to the town manager. Two or more departments may be headed by the same individual, and the manager may head one or more departments.

Sec. 406. Public welfare. There may be a department of public welfare, the director of which shall be the town manager or his appointee. The director of public welfare shall exercise all the powers and perform all the duties conferred or imposed by law upon overseers of the poor.

Sec. 407. Health officer. The manager shall appoint for an indefinite term a health officer who shall exercise such powers and perform such duties as may be conferred or imposed by law. The health officer shall meet such qualifications as may be specified for such positions by the State Commissioner of Health and Welfare.

ARTICLE V

DEPARTMENT OF EDUCATION

Sec. 501. Board of education. The department of education shall be administered by a board of education, hereinafter referred to as the Superintending School Committee, which shall consist of 5 duly qualified voters of Brunswick, who shall be nominated and elected from the town at large according to the provisions of Article XIV of this charter, for a term of 3 years, and who shall serve until their successors are elected and qualified; except that at the 1st election after this charter becomes effective, the 2 members-elect who receive the largest vote cast shall serve for 3 years, the 2 members-elect who receive the next largest vote cast at such election shall hold office for 2 years and the 1 member-elect who receives the next largest vote cast shall serve for 1 year.

Sec. 502. Vacancy. If for any reason a vacancy shall exist in the membership of the superintending school committee, it shall be filled by a majority vote of the council until the next municipal election, when a new member shall be elected to fill the unexpired term, if any.

Sec. 503. Organization; qualification; quorum. The members of the superintending school committee shall meet for organization on the first business day of January. The members-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the town clerk, and a record made thereof. The majority of the whole number of the superintending school committee shall be a quorum and they shall elect their own chairman.

Sec. 504. Powers and duties. The superintending school committee shall have all the powers conferred and shall perform all the duties imposed by law upon superintending school committees in regard to the care and management of the public schools of the town, except as otherwise provided in this charter.

Sec. 505. Meetings. The superintending school committee shall hold at least 1 meeting a month, except in the months of July and August, and all meetings of the superintending school committee shall be open to the public.

ARTICLE VI

DEPARTMENT OF RECREATION

Sec. 601. Department of recreation. The department of recreation shall be administered by a commission, consisting of 5 persons who shall serve without pay and who shall be appointed by the town council. The term of office shall be for 5 years or until their successors are appointed and qualified, except that the members of such commission first appointed shall be appointed for such terms that the term of one member shall expire annually thereafter. Vacancies in such commission occurring otherwise than by expiration of term shall be filled by the town council for the unexpired term.

Sec. 602. Power to adopt rules. The commission shall have the power to adopt rules and regulations for the proper conduct of public recreation for the town.

Sec. 603. Supervision. The recreation commission shall conduct and supervise the Recreation Building and other recreational facilities and may conduct and supervise public recreation programs on such playgrounds and other properties, public or private, as may be available in the town for this purpose.

Sec. 604. Compensation. The recreation commission shall have the power to appoint and, subject to the approval of the town council, fix the compensation of a director of recreation who is properly trained and qualified for the work and such other personnel as the commission deems proper.

ARTICLE VII

FISCAL YEAR

Sec. 701. Fiscal year. The fiscal year of the town government shall begin the 1st day of July and shall end on the last day of June of each calendar year. Such fiscal year shall constitute the budget and accounting year as used in this charter. The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered. To accomplish the change in the fiscal year, a budget for the fiscal period beginning February 1, 1956 and ending June 30, 1956, shall be prepared in the manner provided in this charter and submitted to the annual meeting to be held on the 1st Monday in May, 1956. The total expenses for said period shall be added to and deemed a part of the budget estimates for the fiscal year beginning July 1, 1956, and may be shown as one item and be designated as "Expenses for fiscal period beginning February 1, 1956 and ending June 30, 1956." The use by the Town for said expenses of any sums, not in fact required for other purposes, in the Town treasury on February 1, 1956, or thereafter received by it from any source, including tax moneys, is hereby authorized.

Sec. 702. Preparation and submission of the budget. The town manager, at least 45 days prior to the annual town meeting, shall submit to the council

a budget and an explanatory budget message. This budget shall be compiled from detailed information furnished by the administrative offices and boards including public schools on blanks, forms of which shall be designated by the town 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 expenditures for the current and 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 with comparative figures from the current and next preceding year.
4. Such other information as may be required by the town council.

The budget shall be published not later than 2 weeks after its approval by the town council. The town council shall fix the time and place for holding a public hearing for the budget, and shall give a public notice of such hearing, which shall be at least 10 days before the annual town meeting.

Sec. 703. Increase in budget. If the council inserts additional items, or makes increases, which increase the total proposed expenditures, it shall also increase the total anticipated revenue at least to equal such total proposed expenditures.

Sec. 704. Appropriations on basis of budget. The appropriation articles of the annual town meeting warrant shall be prepared from the budget submitted by the manager and recommended by the council. The town meeting shall act on each such article.

Sec. 705. Transfers of appropriations. No department, including the department of education, shall expend in any one year a larger sum than its gross appropriation, except by vote of the town council, but the town manager may at any time transfer any unencumbered appropriation balance or portion thereof between general classification of expenditures within an office, department or agency. At the request of the town manager and within the last 3 months of the budget year, the council may by resolution transfer any unencumbered appropriation balance or portion thereof from one department, office or agency to another.

Sec. 706. Appropriations lapse at end of the year. All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

Sec. 707. Fees shall be paid to town government. All fees received by any officer or employee shall belong to the town government and shall be paid to the town treasurer at such intervals as the town manager may require.

Sec. 708. Emergency appropriations. To meet a pressing need for public expenditure, for other than a regular or recurring requirement, and to protect the public health, safety and welfare, the town council may transfer from the unap-

propriated available revenue such amounts as the council deems necessary to meet the emergency. Such transfers shall be by resolution adopted by a majority of the members of the council and shall be made only upon recommendation of the town manager.

Sec. 709. Borrowing to meet emergency appropriations. In the absence of unappropriated available revenues to meet emergency appropriations under the provisions of section 708, the council may by resolution authorize the issuance of notes, each of which shall be designated "Emergency Note" and may be renewed from time to time, but all such notes of any fiscal year and any renewals thereof shall be paid not later than the last day of the fiscal year succeeding the budget year in which the emergency appropriation was made.

Sec. 710. Borrowing in anticipation of other revenues. In any budget year, in anticipation of the collection or receipt of taxation and of other revenues of that budget year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the town, each of which shall be designated "Special Revenue Note for the year 19..." Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year after the budget year in which the original note shall have been issued.

Sec. 711. Sales of notes; report of sales. All notes issued pursuant to this article may be sold at not less than par and accrued interest at private sale without previous advertisement by the town treasurer.

Sec. 712. Town treasurer. The town council shall appoint a town treasurer. The treasurer shall have authority and be required to:

1. Have custody of all public funds belonging to or under the control of the town or any office, department or agency of the town government, and deposit all funds coming into his hands in such depositories as may be designated by resolution of the council, or, if no such resolution be adopted, by the town manager, subject to the requirements of law as to surety and the payment of interest on deposits, but all such interest shall be the property of the town and shall be accounted for and credited to the proper account.

2. Have custody of all investments and invested funds of the town government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the town and the receipt and delivery of town bonds and notes for transfer, registration or exchange.

ARTICLE VIII

BORROWING FOR CAPITAL IMPROVEMENTS

Sec. 801. Power to incur indebtedness by issuing bonds and notes. The town may incur indebtedness by issuing its negotiable bonds and notes in anticipation of bonds, pursuant to this charter, to finance any capital project which it may lawfully construct, acquire or undertake.

Sec. 802. Bonds; vote of town meeting required. The town shall authorize the issuance of bonds by a bond ordinance passed by the affirmative votes of a

majority of qualified voters present and entitled to vote at any town meeting, annual or special, called as provided by this charter. Such proposed bond ordinance shall first have been approved by a majority of the members of the town council.

Sec. 803. Effective date of bond issue. A bond issue shall take effect when approved at a town meeting as provided in the preceding section.

Sec. 804. Authorization of notes in anticipation of bonds; maturity. The proposal for a bond issue may include in its terms provisions for the issuance of negotiable notes in anticipation of the issuance of bonds. Each such note shall be designated "Bond Anticipation Note" and, including renewals, shall mature and be paid not more than 14 calendar months after the date of issue of the original note. Unless otherwise provided, all bond anticipation notes may be sold at private sale without previous public offering.

Sec. 805. Period of usefulness. Every bond issue shall be payable within a fixed term of years, which shall not in any case exceed 30 years.

Sec. 806. Determination of council conclusive. If bonds are issued in payment of indebtedness incurred for a permanent improvement, the term of such bonds shall not exceed the estimated period of usefulness of said improvement; the determination of the town council as to the period of usefulness shall be conclusive in any action or proceeding involving the validity of the bonds.

Sec. 807. Public sale. All bonds issued under this charter shall be sold at public sale upon sealed proposals, after at least 10 days' notice published at least once in a publication carrying municipal bond notices and at least 10 days' notice published at least once in a newspaper having a general circulation in the town of Brunswick.

Sec. 808. Short period of limitation. When 20 days shall have elapsed after the authorization of a bond issue by the town meeting as provided by this charter:

I. Any recitals or statements of fact contained in the proposal for such bond issue or in the preambles or recitals thereof, shall be deemed thereby authorized and the town and all others interested shall forever thereafter be stopped from denying the same;

II. Such bond issue shall be conclusively presumed to have been duly and regularly authorized by the town and to comply with the provisions of this charter and of all laws, and the validity of such bond issue shall not thereafter be questioned by either a party plaintiff or a party defendant, except in a suit, action or proceeding commenced prior to the expiration of such 20 days.

Sec. 809. Payments of notes and bonds. The powers and obligations of the town to pay any and all bonds and notes hereafter issued by it pursuant to this charter shall be unlimited and the town shall levy ad valorem taxes upon all the taxable property within the town for the payment of such bonds or notes and interest thereon, without limitation of rate or amount. The faith and credit of the town is hereby pledged for the payment of the principal of and the interest on all bonds and notes of the town hereafter issued pursuant to this charter,

whether or not such pledge be stated in the bonds or notes, or in the vote of the town meeting authorizing their issuance.

ARTICLE IX

TAX ADMINISTRATION

Sec. 901. Assessor. There shall be established a division of assessment, the head of which shall be the town assessor. The assessor, appointed as hereinbefore provided, 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.

Sec. 902. Board of assessment review; appointments; vacancies. There shall be a board of assessment review to consist of 5 members, who shall be appointed by the town council for a term of 3 years, except that of those first appointed 2 shall be for a term of 3 years, 2 shall be for a term of 2 years and 1 for a term of 1 year; compensation, if any, to such members shall be determined by the town council. Vacancies in the membership of such board shall be filled by appointment by the town council for the unexpired term.

Sec. 903. Board of assessment review; powers and duties. The board of assessment review shall have the power to:

- I. Review, on complaint of property owners, and revise assessments for the purpose of taxation of real and personal property within the town made by the town assessor;
- II. Administer oaths;
- III. Take testimony;
- IV. Hold hearings;
- V. Adopt regulations regarding the procedure of assessment review.

Such board shall annually choose from its membership a chairman and secretary, except that in lieu of one of the members of such board serving as secretary, the council may authorize such board to appoint either a full-time or part-time nonmember secretary and to fix his compensation. The board shall be required to keep an accurate record of all of its proceedings, which shall be available for public inspection.

Sec. 904. Public hearings on complaints. The town council shall by ordinance establish the times during which such board of assessment review shall be in session for the hearing of the complaints of any persons in relation to the assessment roll. Such complaints shall be in writing and shall be directed to the board of assessment review.

Sec. 905. Appeal to courts. Appeal from the determination of the board of assessment review may be taken to a court of competent jurisdiction not later than 30 days after certification to the town assessor.

ARTICLE X

PURCHASING

Sec. 1001. Purchasing. The town manager shall act as purchasing agent.

The purchasing agent shall have under his supervision and management the purchase of all supplies, materials and equipment for the use of the town in the operation and maintenance of its several departments and boards, excepting supplies for schools which shall be purchased only on requisition from the superintending school committee. The purchasing agent shall also be responsible for the sale of obsolete, surplus or unused supplies, material and equipment whenever the same shall no longer be required for municipal purposes. The purchasing agent shall also have the power and shall be required to:

I. Establish and enforce specifications with respect to supplies, materials, and equipment required by the town government.

II. Inspect or supervise all deliveries of supplies, materials and equipment and determine their quality, quantity and conformance with specifications. Before the town purchasing agent makes any purchase of or contract for supplies, materials or equipment involving a sum in excess of \$1,000, he shall provide ample opportunity for competitive bidding under such rules and regulations, and such exceptions, as the council may prescribe by ordinance.

Purchases involving an expenditure of less than \$1,000 may be made in the open market by the purchasing agent without competitive bids, but any purchase involving an expenditure of \$100 or more shall bear the written approval of the town manager.

Sec. 1002. Contracts for town improvements. Any town improvement costing more than \$1,000 shall be executed by contract, except where such improvement is authorized by the council to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more than \$1,000 shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, providing the town manager shall have the power to reject all bids and advertise again.

Sec. 1003. Accounting control of purchases. All purchases made and contracts executed by the purchasing agent shall be pursuant to a written requisition from the head of the agency, department or office whose appropriation will be charged.

Sec. 1004. Emergency purchasing. These regulations as to purchasing shall not be applicable to any specific case determined by the town council to be an emergency; in such cases the town manager may make such immediate purchases as the town council may authorize.

ARTICLE XI

APPOINTMENTS AND PROMOTIONS

Sec. 1101. Merit basis of appointment. Appointments and promotions in the administrative and civil service of the town shall be made according to the merit

and fitness to be ascertained, so far as practicable, by competitive examination. The town manager shall prepare personnel rules and regulations which, after enactment by ordinance by the town council, he shall administer.

Sec. 1102. Prohibitions. No person in the service of the town or seeking appointment thereto or employment therein shall be appointed, promoted, reduced, removed or in any way favored or discriminated against because of his race or his political or religious affiliation, nor shall he either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.

Sec. 1103. Personnel board; appointment; removal. There shall be a personnel board consisting of 3 members, who shall be appointed by the council, which shall designate one of the three as chairman. Members of the personnel board shall serve for a term of 6 years, except that of the members first appointed one shall be appointed to serve for 4 years and one for 2 years. Vacancies in an unexpired term shall be filled by the council by appointment for the remainder of the term. A member of the board may be removed by the council only for cause and after being given a written statement of the charges against him and a public hearing thereon, if he so requests. A certified copy of the charges and a transcript of the record shall be filed with the town manager.

Sec. 1104. Personnel board; qualifications. Each member of the personnel board shall be a qualified voter of the town, shall be known to be in sympathy with the merit principle as applied to the civil service, shall neither hold nor be a candidate for any other public office or position, and shall not be a member of any local, state or national committee of a political party or an officer in any partisan political club or organization.

Sec. 1105. Personnel board; powers and duties. The board shall have power and shall be required to:

- I. Advise the council and town manager on problems concerning personnel administration;
- II. Make any investigation which it may consider desirable concerning the administration of personnel in the service of the town, and report to the town council at least once each year its findings, conclusions and recommendations;
- III. Hear appeals in case any officer or employee in the classified service is suspended, reduced or removed, and report in writing to the town manager its findings and recommendations;
- IV. Perform such other duties with reference to personnel administration, not inconsistent with this charter, as the council may require by ordinance.

ARTICLE XII

PLANNING AND ZONING

Sec. 1201. Planning commission; organization. There shall be a town planning commission which shall consist of 5 members, who shall be appointed by

the council, none of whom shall hold any other public office or position in the town. The town manager and chairman of the town council shall serve as ex officio members of the commission. The commission shall elect its chairman from among the appointed members.

Sec. 1202. Planning commission; terms of officers, vacancies. The term of the appointive officers shall be 5 years, except that of the 5 members first appointed, 1 shall be appointed for a term of 1 year, 1 for 2 years, 1 for 3 years and 1 for 4 years. Any vacancy during the unexpired term of an appointed member shall be filled by the council for the remainder of the term.

Sec. 1203. Planning commission; powers and duties. The planning commission and the town council shall have such powers and perform such duties as are provided by sections 93 to 99, inclusive, of chapter 91 of the revised statutes of 1954.

ARTICLE XIII

INITIATIVE AND REFERENDUM

Sec. 1301. Power of initiative. The voters of the town of Brunswick shall have the power to propose any ordinance, except an ordinance appropriating money, authorizing the levy of taxes or setting the salary of municipal employees, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiative ordinance may be submitted to the council by a petition signed by 300 qualified voters.

Sec. 1302. Power of referendum. The voters of the town of Brunswick shall have power to approve or reject at the polls an ordinance passed by the town council, or submitted by the council to a vote of the voters, such power being known as referendum. Ordinances submitted to the council by initiative petition and passed by the council shall be subject to the referendum in the same manner as other ordinances. Within 20 days after the enactment by the town council of any ordinance which is subject to a referendum, a petition signed by at least 300 registered voters of the town of Brunswick may be filed with the town clerk, requesting that any such ordinance be either repealed or submitted to a vote of the voters.

Sec. 1303. Form of petitions. The petitions used to invoke the initiative and referendum shall be substantially in the following form:

“Petition to the Brunswick Town Council for the Submission to the People of the Question: Shall the proposed ordinance, a copy of which is hereto attached, be adopted?”

We, the undersigned, under oath, depose and say that we are qualified voters of the town of Brunswick, residing respectively at the addresses placed opposite our names, and we hereby petition the town council to submit the foregoing question to the voters of the town of Brunswick.

Names	Residences	Date
.....
.....
Name	Street and number	

being duly sworn deposes and says that he is the circulator of the foregoing petition containing signatures and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

Signed:

Subscribed and sworn to before me, this day of 19. . . .

.
Justice of the Peace
Notary Public.”

Sec. 1304. Filing, examination and certification of petitions. All petition papers comprising an initiative or referendum petition shall be assembled and filed with the town clerk as 1 instrument. Within 20 days after a petition is filed, the town clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters. After completing his examination of the petition, the town clerk shall certify the result thereof to the town council at its next regular meeting. If he shall certify that the petition is insufficient, he shall set forth in his certificate the particulars in which it is defective and shall at once notify the circulator of the petition as to his findings.

Sec. 1305. Amendments of petitions. Any initiative or referendum petition may be amended at any time within 10 days after the notification of insufficiency has been sent by the town clerk, by filing a supplementary petition upon additional papers signed and filed as provided in the case of an original petition. The finding of the insufficiency of a petition shall not prejudice filing of a new petition for the same purpose.

Sec. 1306. Effect of certification of referendum petitions. When a referendum petition, or amended petition, has been certified as sufficient by the town clerk, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until or unless approved by the voters, as hereinafter provided.

Sec. 1307. Consideration by council. Whenever the town council receives a certified initiative or referendum petition from the town clerk, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provision shall be made for a public hearing upon the proposed ordinance. The council shall take final action on the ordinance not later than 60 days after the date on which such ordinance was submitted to the council by the town clerk. A referred ordinance shall be reconsidered by the council and its final vote upon such reconsideration shall be upon the question, “Shall the ordinance specified in the referendum petition be repealed?” In the case of referendum the entire repeal of the ordinance sought to be referred, and in the case of the initiative, the passage by the town council of the desired ordinance shall put an end to all proceedings under said petition.

Sec. 1308. Submission to voters. If the town council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from

that set forth in the petition therefor, or if the town council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electorate not less than 15 days nor more than 6 months from the date the council takes its final vote thereon. The town council may, in its discretion and, if no regular election is to be held within such period, shall provide for a special election.

Sec. 1309. Publication. Whenever any ordinance is required by the provisions of this article to be submitted to the voters of the town at any election, the town council must order 1 publication of the complete text thereof to be made in one, or more should the town council deem it best, of the newspapers published or having a general circulation in the town of Brunswick, such publication to be made not less than 10 days nor more than 20 days prior to the election.

Sec. 1310. Form of ballot. The ballots used when voting on such a proposed ordinance shall set forth the title thereof in full and state its general nature; it shall contain the words: "For the Ordinance" and "Against the Ordinance."

Sec. 1311. Results of the election. If a majority of the voters voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the town. A referred ordinance which is not approved by the majority of the voters voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the voters at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Sec. 1312. Publication of ordinances. Initiative and referendum ordinances adopted and approved by the voters shall be published as in the case of other ordinances.

ARTICLE XIV

NOMINATIONS AND ELECTIONS

Sec. 1401. Municipal elections. The regular election for the choice of members of the town council and superintending school committee shall be held on the 1st Monday in December. After the 1st election held under this charter, the then municipal officers, and thereafter, following the regular town election, the town council shall, not longer than 24 hours after such election, determine the successful candidates according to the laws of the state of Maine and shall cause the persons who shall have been elected members of the town council, and the persons who shall have been elected members of the superintending school committee, to be notified in writing of their election. If it shall appear that one or more of the offices to be filled by said election has not been filled, or if at any election the person elected shall refuse to accept the office for which he has been elected, warrants for another and special election to fill such vacancy or vacancies shall be issued forthwith. At any election, the person or persons having the highest number of votes for an office shall be deemed and declared elected to such office.

Sec. 1402. Nomination. Any qualified voter of the town may be nominated for the council or superintending school committee by petition, which shall be

signed by not less than 50 qualified voters of the town. No voter shall sign more than 1 petition for each office to be filled at the election, and should a voter do so, his signature shall be void except as to the petition first filed. With each signature shall be stated the place of the residence of the signer, giving the street and number or other description sufficient to identify it. Nominating petitions shall be signed and filed with the town clerk not earlier than 45 days nor later than 15 days before election. No nomination shall be valid unless the candidate shall file with the town clerk in writing, not later than 15 days before the day of election his consent accepting the nomination, agreeing not to withdraw, and if elected, to qualify.

Sec. 1403. Form of nomination petition. The signatures to nomination papers need not all be affixed to 1 petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating the number of signers on each petition and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number of the street or other description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

"To the Town Clerk of the Town of Brunswick. We, the undersigned voters of the Town of Brunswick, hereby nominate whose residence is for the office of, to be voted for at the election to be held in the Town of Brunswick on the day of 19.... and we individually certify that we are qualified to vote for a candidate for the above office and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name Street and Number being duly sworn deposes and says that he is the circulator of the foregoing nominating petition containing signatures and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

(Signed)

Subscribed and sworn to before me this day of 19

Justice of the Peace
Notary Public

If this petition is deemed insufficient by the Town Clerk he shall forthwith notify by mail at No. Street."

Sec. 1404. List of candidates to be certified. The town clerk shall certify a list of candidates and shall cause to be published, in one or more of the papers published or having general circulation in the town of Brunswick, the names, residences and offices to which nominated of the candidates who have duly filed the above described petition.

Sec. 1405. The ballot. The position upon the ballot of the names of candidates nominated, as hereinbefore provided, shall be determined by lot and said

names shall be placed upon said ballot under the title of the office to be filled. Determination of said position by lot shall be conducted by the town clerk at which time candidates or their representatives shall be entitled to be present. Candidates shall be notified of the time and place of such drawing at least 24 hours in advance thereof. The ballots shall be without party mark or designation. The residence of each candidate shall be given. At the right of each name there shall be a square within which the voter shall place a cross or check mark to designate his choice. A blank space shall be left at the end of the list of candidates for each office in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote. The official ballot for use in the town elections shall be prepared by the town clerk. The ballot shall be printed substantially as follows:

(Back of the Ballot)
 OFFICIAL BALLOT
 BRUNSWICK
 MONDAY A.D.

(Facsimile of Signature)
 TOWN CLERK

(Face of the Ballot)

“To vote for a candidate mark a cross (X) or a check mark (√) in the square at the right of the candidate’s name and residence.

If you wrongly mark, tear or deface the ballot, return it and obtain another.

FOR MEMBERS OF TOWN COUNCIL Vote for

Name of Candidate	Residence

FOR SUPERINTENDING SCHOOL COMMITTEE Vote for

Name of Candidate	Residence

Mark a cross (X) or a check mark (√) in the square at the right of your answer.

Shall Yes
 No

Sec. 1406. Municipal elections. Provisions of the laws of the state of Maine relating to the qualifications of voters, registration, the manner of voting, the duties of election officers and all other particulars respective to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter.

ARTICLE XV

GENERAL PROVISIONS

Sec. 1501. Investigation by council or town manager. The town council, the town manager, or any person or committee authorized for that purpose by either of them, shall have power to inquire into the conduct of any office, department, agency or officer of the town and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punished by a fine of not more than \$50, or by imprisonment for not more than 60 days, or by both such fine and imprisonment.

Sec. 1502. Ordinances not inconsistent to continue in force. All ordinances and by-laws of the town of Brunswick in force at the time this charter takes effect, not inconsistent with the provisions of this charter, shall continue in force until amended or repealed.

Sec. 1503. Publicity of records. All records and accounts of every office, department or agency of the town shall be open to inspection by any citizen at all reasonable times and under reasonable regulations established by the town council, except records and documents, the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish, and except such records as are required by state law to be kept confidential.

Sec. 1504. Repealing clause. All acts and parts of acts of the private and special laws of Maine relating to the town of Brunswick, inconsistent with the provisions of this charter, are hereby repealed.

Sec. 1505. 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. 1506. Short title. This charter shall be known and may be cited as the "Town Charter of Brunswick." The town clerk shall cause it to be printed and made available to the public promptly.

Sec. 1507. Expiration term of present elected officials. The term of the present town officials and of the superintending school committee shall expire at 10:00 A. M. on the 1st business day of January, 1956.

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 a special town election to be held on the 2nd Monday in September, 1955. Warrants shall be issued for such election in the same manner now provided by law for holding a municipal election, notifying and warning the qualified voters of said town 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 to Grant a

Charter to the Town of Brunswick,' passed by the 97th Legislature, be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. This act shall take effect for the purpose of nominating and electing officers hereunder immediately upon its acceptance by a majority of the legal voters voting at said election, and for all other purposes this act shall take effect on the first business day of January, 1956; provided that the total number of votes cast for and against the acceptance of this charter equaled or exceeded 20% of the total number of votes cast in said town for all candidates for Governor at the next preceding gubernatorial election.

The result of said election shall be declared by the municipal officers of the town of Brunswick and due certificate thereof shall be filed by the town clerk with the Secretary of State.