

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fourth Legislature

OF THE

STATE OF MAINE

1929

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Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-Fourth  
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eastward keeping midway between said shores until the west line of Old Town is intersected, and for the purpose of this description, the Twin islands, so-called, are considered as forming a part of the easterly shore of said lake, be accepted?" and the voters shall indicate by an X placed against the words "Yes" or "No." The result shall be declared by the selectmen and due certificate thereof filed by the town clerk with the secretary of state.

Approved March 28, 1929.

### Chapter 79.

An Act for the Purchase of Books for the Aroostook Law Library.

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

**Aroostook law library to be paid \$2000.** The treasurer of Aroostook county shall pay during the year nineteen hundred and twenty-nine to the treasurer of the Aroostook Law Library Association in addition to the annual sum provided by statute the sum of two thousand dollars for the purchase of books for said library by said association.

Approved March 28, 1929.

### Chapter 80.

An Act to Grant a Charter to the Town of Sanford.

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

#### ARTICLE I.

##### GRANT OF POWERS TO THE TOWN OF SANFORD

**Corporate existence retained.** The inhabitants of the town of Sanford, in the county of York, shall continue to be a body corporate and politic under the name of the town of Sanford and as such 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 appertaining to or incumbent upon said town as a municipal corporation, or appertaining to or incumbent upon the inhabitants thereof or municipal authorities thereof; and may enact by-laws, regulations and ordinances for municipal purposes not inconsistent with the constitution and laws of the state of Maine, and impose penalties for the breach thereof.

#### ARTICLE II.

##### BOARD OF SELECTMEN

**Sec. 1. Powers and duties.** The administration of all the fiscal, pru-

## CHAP. 80

dential, 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 board as hereinafter provided, and also except as otherwise provided by this charter, shall be and are vested in one body of five members, which shall constitute and be called the board of selectmen, all of whom shall be inhabitants of said town, and shall be sworn in the manner hereinafter prescribed. Said board of selectmen shall exercise its powers in the manner hereinafter provided.

The members of the board of selectmen shall be and constitute the municipal officers of the town of Sanford 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 town meetings, under the laws of this state.

The board of selectmen is hereby constituted the overseers of the poor of the town of Sanford and shall perform all duties required of overseers of the poor for towns by statute or otherwise. As such overseers of the poor they may authorize a clerk or agent to sign in their name and send written notices and the written answers referred to or required in sections thirty-five and thirty-six of chapter twenty-nine of the revised statutes, and such written notices and written answers, so signed, shall have the same effect as if signed by one or more of said overseers and sent by a member or members of said overseers personally. Furthermore, as such overseers of the poor they may delegate to the town manager the supervision of the administrative details appertaining to the care of the poor.

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 board of selectmen so far as relates to said town; and they are authorized to unite the watch and police departments into one department and establish suitable regulations for the government of the same.

The members of the board of selectmen shall be and constitute the park commission and shall have the powers and perform the duties of the park commission provided for by section eighty-four of chapter four of the revised statutes.

The provisions of chapter two hundred and nine of the nineteen hundred and twenty-five public laws of Maine, enabling cities of over thirty-five thousand inhabitants and village corporations to regulate and restrict the construction of buildings and the use of land by zoning ordinances are hereby extended to the town of Sanford.

All other powers now or hereinafter vested in the inhabitants of said town, and all powers granted by this act, except as herein otherwise provided shall be vested in said board of selectmen.

Except for the purpose of inquiry the board of selectmen shall deal with the administrative service solely through the town manager, and neither the board of selectmen nor any member thereof shall give orders to any of the subordinates of the town manager, either publicly or privately.

**Sec. 2. Composition; election; tenure of office, etc.** The board of selectmen shall be composed of five members elected at large from the qualified voters of the town for a term of three years and until their successors are elected and qualified, except that at the first election of members of the board of selectmen the two members-elect who shall receive the largest number of votes cast at such election shall hold office for three years; the two members-elect who shall receive the second largest number of votes cast at such election shall hold office for two years; and the member-elect who shall receive the third largest number of votes cast at such election shall hold office for one year; and each shall hold office until his successor is elected and qualified.

Each member shall serve without pay, unless the voters by initiative or referendum, as provided for hereinafter, shall vote otherwise, and shall not be eligible, while a member of the board of selectmen, to any office of emolument or profit under the town charter or ordinances, nor to hold the office of town manager, nor to act as town manager.

**Sec. 3. Chairman.** At the first meeting, or as soon thereafter as possible, the board of selectmen shall elect one of its members as chairman of the board of selectmen for the ensuing year, and until his successor is elected and qualified, and the board of selectmen may fill for the unexpired term any vacancy as chairman that may occur.

If the chairman shall fail from sickness, disability, absence from the town or other cause to attend to and perform the duties incumbent on him as such chairman, the remaining members of the board of selectmen may by unanimous vote, after notice and hearing, terminate the term of office of said chairman and remove him therefrom and thereupon by majority vote may elect some other member of said board of selectmen, chairman, and such newly elected member shall thereupon and thereafter hold the office and perform the duties of chairman for the balance of the year, and until his successor is elected and qualified.

The chairman shall preside at all meetings of the board of selectmen, and shall perform such other duties, consistent with this office, as the board of selectmen may provide. He shall be entitled to vote, and his vote shall be counted upon all matters and things as a vote of other members of the board of selectmen. The chairman shall be recognized as the official head of the town for ceremonial purposes. In the temporary

## CHAP. 80

absence or disability of the chairman the board of selectmen may select a chairman pro tempore from among its number and he shall exercise all the powers of the chairman.

**Sec. 4. Vacancies; forfeiture of office.** In case of a vacancy caused by the death, resignation, removal from the town, or removal from office, as hereinafter provided, of any member of the board of selectmen more than six months prior to the next regular town election, the vacancy shall be filled by a special election, the warrant for which shall upon vote of the board of selectmen be issued by a member of the board of selectmen by vote designated for that duty.

Any member of the board of selectmen who shall be convicted of a crime while in office shall, after due notice and hearing before the board of selectmen and the production of the records of such conviction, forfeit his office.

**Sec. 5. Regular meetings and qualifications.** The selectmen shall meet at the usual place for holding meetings at ten o'clock in the forenoon on the first Monday in January following the regular town election, and at said meeting the members of the board of selectmen elect shall be sworn to the faithful discharge of their duties by a justice of the peace, or by the town clerk. The board of selectmen shall, at its first meeting, or as soon thereafter as possible, establish by ordinance or resolution a regular place and times for holding its meetings, and shall meet regularly at least once a month.

**Sec. 6. Special meetings.** Special meetings may be called by the chairman and in case of his absence, disability or refusal, may be called by a majority of the members of the board of selectmen. Notice of such meeting shall be served in person or left at the residence of each member of the board of selectmen at least twenty-four hours before the time of holding said special meeting.

**Sec. 7. Quorum.** A majority of the members of the board of selectmen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four hours' notice of the time and place of holding such adjourned meeting shall be given to all said members who were not present at the meeting from which adjournment was taken.

**Sec. 8. Procedure.** The board of selectmen shall keep a record of its proceedings and shall determine its own rules of procedure and make lawful regulations for enforcing the same. The meetings of the board of selectmen shall be open to the public. Provided, however, that an executive session may be held in case it is demanded by a four-fifths vote

of the members of the board of selectmen. The board of selectmen shall act only by ordinance, order or resolve; all ordinances, orders and resolves, except orders or resolves making appropriations of money, shall be confined to one subject which shall be clearly expressed in the title. The appropriation order or resolve shall be confined to the subject of appropriations only. No ordinance and no appropriation resolve shall be passed until it has been read on two separate days, except when the requirement of a reading on two separate days has been dispensed with by a four-fifths vote of the members of the board of selectmen. The "Yeas" and "Nays" shall be taken upon the passage of all ordinances and entered on the record of the proceedings of the board of selectmen by the clerk. The "Yeas" and "Nays" shall be taken on the passage of any order or resolve when called for by any member of the board of selectmen. Every ordinance shall require on final passage the affirmative vote of a majority of the members of the board of selectmen.

Every ordinance before final passage shall be published in one or more papers published or circulated in the town of Sanford and shall take effect and be in full force ten days from and after it shall have received final passage by the board of selectmen and shall have been approved, in case such approval is required by law, by some justice of the supreme judicial court. Within ten days after its final passage or after said approval by such justice said ordinance shall be published in full in one or more newspapers published or circulated in the town of Sanford, but the failure to publish said ordinance, either before or after final passage shall not affect its validity or force.

No order or resolve shall take effect until ten days after its passage, except that the board of selectmen may, by vote of four-fifths of its members, pass emergency orders or resolves to take effect at the time indicated therein, but such emergency orders or resolves shall contain a section in which the emergency is set forth and defined.

### ARTICLE III.

#### INITIATIVE AND REFERENDUM

**Sec. 1. How invoked.** The submission to the vote of the people of any proposed ordinance, order or resolve, or of any such ordinance, order or resolve enacted by the board of selectmen, except permits granted under section twenty-seven of chapter sixty of the revised statutes, and which has not yet gone into effect, may be accomplished by the presentation of a petition therefor to the board of selectmen in the manner hereinafter provided. Any ten qualified voters of the town of Sanford may originate a petition putting in operation the initiative or the referendum, by signing such petition at the office of the town clerk. Whenever



CHAP. 80

requested by ten such voters, the town clerk shall prepare the proper petition with a copy of the ordinance, order or resolve to be submitted attached thereto, and upon its being signed by said ten voters, the town clerk shall file the petition and shall, during office hours for thirty business days thereafter, keep the same open for signature by qualified voters of the town, and no such petition shall be signed or presented for signature at any place other than the clerk's office. At the expiration of said thirty days, the town clerk shall declare the petition closed, and shall, at the first regular meeting of the board of selectmen thereafter, present to that body the petition with verification of the number of valid signatures thereto attached. If the number of valid signatures to said petition shall amount to three hundred or more, the board of selectmen shall immediately take the necessary steps to submit to the voters of the town the question proposed in said petition; provided that in case of the referendum the entire repeal of the ordinance, order or resolve sought to be referred, and in the case of the initiative, the passage by the board of selectmen of the desired ordinance, order or resolve, shall put an end to all proceedings under said petition.

**Sec. 2. Form of petition.** The petition used to originate the initiative or the referendum shall be substantially in the following form:

PETITION TO THE BOARD OF SELECTMEN

For the submission to the people of the question:

"Shall the proposed ordinance, order or resolve, a copy of which is hereto attached, be adopted?"

We, the undersigned, under oath, depose and say: That we are fully qualified voters of the town of Sanford, residing respectively at the addresses placed opposite our names, and we hereby petition the board of selectmen to submit the foregoing question to the voters of the town of Sanford at the next regular town election (or at a special election).

NAMES	RESIDENCE	DATE
-------	-----------	------

I, ....., the town clerk of the town of Sanford do solemnly affirm that I witnessed the signing of each of the above signatures and that, at the time of said signing I made certain that the person affixing his name thereto had reasonable knowledge of the purpose of the petition.

.....  
Town Clerk.

DATE

**Sec. 3. Effect of referendum petition.** Whenever there has been originated as aforesaid, a petition for the reference to the people of any ordinance, resolve or order passed by the board of selectmen, which ordinance,

order or resolve has not yet gone into effect, the same shall be suspended from going into operation until it has been submitted to a vote of the people and has received the affirmative vote of a majority of the voters voting on said question.

**Sec. 4. Time of election.** Within ten days after an initiative or referendum petition with the required number of valid signatures is presented by the town clerk, the board of selectmen shall set a time for the holding of a special election, at which the proposed or suspended ordinance, resolve, or order shall be submitted to the voters of the town, which special election shall be held not less than thirty nor more than sixty days after such presentation; provided, that if a petition shall be so presented within four months next preceding a regular municipal election, no special election shall be called, but the question shall be submitted at said regular election.

**Sec. 5. Publication of ordinance.** Whenever any ordinance, order or resolve is required by the provisions of this charter to be submitted to the voters of the town at any election, the board of selectmen shall order one publication of the complete text thereof to be made in one or more newspapers published or circulated in Sanford, such publication to be made not less than ten days nor more than fifteen days prior to the election, or in lieu of such publication, the board of selectmen may cause the ordinance, order or resolve to be printed and mailed with a sample ballot to each voter at least five days prior to the election.

**Sec. 6. Form of ballot.** The ballots used when voting upon such proposed ordinance, order or resolve shall set forth the title thereof in full and state its general nature, and shall contain the words: "For the Ordinance, Order or Resolve" and "Against the Ordinance, Order or Resolve."

**Sec. 7. Result of election.** If a majority of the qualified voters voting on said proposed initiative ordinance, order or resolve or said referred ordinance, order or resolve, shall vote in favor thereof, such ordinance, order or resolve shall take effect five days after the declaration of the official canvass of the return of such election.

**Sec. 8. Conflicting ordinances, orders or resolves.** Any number of proposed or referred ordinances, orders or resolves may be voted upon at the same election. In the event that two or more ordinances, orders or resolves adopted at the same election shall contain conflicting provisions, the ordinance, order or resolve receiving the highest number of votes at such election shall be paramount and all questions of construction shall be determined accordingly.

## CHAP. 80

**Sec. 9. Order upon the ballot.** In the event that two or more ordinances, orders or resolves are submitted at the same election, they shall be placed upon the ballot in order of the priority of the filing of the respective petitions and shall be given precedence upon the ballot over any and all questions submitted by the board of selectmen on its own initiative.

**Sec. 10. Repeal of popular ordinances, orders or resolves enacted by the people.** The board of selectmen may submit, on its own initiative, a proposition for the enactment, repeal or amendment of any ordinance, order or resolve, except as herein otherwise provided, to be voted upon at any municipal election, and should such proposition receive a majority of the votes cast thereon at any election, such ordinance, order or resolve shall be enacted, repealed, or amended accordingly. An ordinance, order or resolve adopted by a vote of the people shall not be repealed or amended except by a vote of the people, unless such ordinance, order or resolve shall otherwise expressly provide.

**Sec. 11. Further regulations.** The board of selectmen shall by ordinance, make such further regulations as may be necessary to carry out the provisions of this article.

## ARTICLE IV.

## THE SUPERINTENDING SCHOOL COMMITTEE

**Composition; election; tenure of office.** The composition, election, tenure of office, qualifications, organization, powers and duties of the superintending school committee, except as is otherwise provided in this charter, shall be in accordance with the provisions of the laws of the state of Maine.

## ARTICLE V.

## NOMINATIONS AND ELECTIONS

**Sec. 1. Date of election and procedure to determine results.** At the first election after this charter is in force, to be held on the first Monday in December A. D. nineteen hundred and twenty-nine the qualified voters of the town shall ballot for five selectmen and one member of the superintending school committee; and thereafter, on the first Monday in December in each year, a regular municipal election shall be held and the qualified voters of the town shall ballot for a selectman or for a superintending school committeeman to fill the unexpired term of any selectman or of a school committeeman whose office is then vacant, if any such vacancy then exists, but whose term of office would not then have normally expired, and for selectmen and for a superintending school committeeman

to fill the office of the selectmen and of the superintending school committeeman whose terms of office expire that year.

Sec. 2. Nominations for elective offices to be made by petition. The nomination of all candidates for elective offices provided for by this charter shall be by petition. The petition of a candidate shall be signed by not less than one hundred nor more than one hundred and fifty qualified voters of the town. No voter shall sign petition for more than one candidate for each office to be filled at the election, and should any voter sign more than one such petition, his signature shall be counted only upon the first petition filed, and shall be held void upon all other petitions:

Sec. 3. Form of nomination paper. The signatures to nomination papers need not all be affixed to one nomination 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 their 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 Sanford:

We, the undersigned voters of the town of Sanford, hereby nominate ..... , whose residence is..... , for the office of..... , to be voted for at the election to be held in the town of Sanford 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  
(or Notary Public)

CHAP. 80

If this petition is deemed insufficient by the town clerk he shall forthwith notify by mail.....at No. ....Street.

Sec. 4. Filing nomination papers; acceptance of nomination must be filed. The nomination petitions for any one candidate shall be assembled and united into one petition, and filed with the town clerk not earlier than thirty nor later than sixteen days before the day of election. No nomination shall be valid unless the candidate shall file with the town clerk in writing not later than sixteen days before the day of election, his consent, accepting the nomination, agreeing not to withdraw, and if elected, to qualify.

Sec. 5. List of candidates to be published. The town clerk shall certify the list of candidates and shall cause to be published in one or more of the newspapers published or circulated in Sanford the names, residences, and office to which nominated, of the candidates who have duly filed the above described petitions and acceptances.

Sec. 6. Ballots, etc., to be prepared by the town clerk. Specimen ballots and official ballots for use in all town elections shall be prepared by the town clerk and furnished by the town.

Sec. 7. Form of ballot. The names of candidates nominated as provided in this charter shall be arranged on the ballot according to lot under the title of the office to be filled. Lot shall be drawn by the town clerk, at which drawing the candidates or their representatives shall be entitled to be present.

The ballots shall be without party mark or party designation. The name and residence of each candidate shall be given.

Blank spaces 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 ballot shall be printed substantially as follows:

Town of Sanford

Regular (or Special) Election

Monday, the.....day of.....A. D.

Instructions to Voters

To vote for any person, make a cross (X) in the space at the right of the name voted for.

Vote for (number to be inserted)

For Selectmen

Name	Residence
.....	
.....	
.....	
.....	

(blank)

(blank)

For Superintending School Committeemen

Vote for (number to be inserted)

Name	Residence
"	"

(blank)

(blank)

(On Back of Ballot)

Sanford, Maine, Monday.....A. D.

Official Ballot

(Facsimile of Signature)

Town Clerk

**Sec. 8. Specimen ballots to be published and posted.** The town clerk shall cause specimen ballots to be posted in public places in each voting precinct and advertised in one or more newspapers published or circulated in Sanford, not later than ten days prior to the town election and advertised in the newspapers at least twice more prior to the election. Such specimen ballots shall be printed on colored paper and marked "specimen ballots" and shall contain the names of the certified candidates with the residence of each, instructions to voters, and such measures as may be submitted to voters, by the legislature or by the board of selectmen. Such ballots shall be without party mark or designation.

**Sec. 9. Recall provisions.** Any member of the board of selectmen or superintending school committeemen may be recalled and removed therefrom by the electors of the town as herein provided.

**Procedure for filing recall petition.** Any voter of the town may make and file with the town clerk an affidavit containing the name or names of the member or members whose removal is sought and a general statement of the reasons why his removal is desired. The clerk shall thereupon deliver to the voter making such affidavit, copies of petition blanks for such removal, printed forms of which he shall keep on hand. Such blanks shall be issued by the clerk with his signature and official seal

**CHAP. 80**

thereto attached; they shall be dated and addressed to the board of selectmen, shall contain the name of the persons to whom issued, the number of blanks so issued, and the name of the person or persons whose removal is sought. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition to be effective must be returned and filed with the town clerk within forty-five days after the filing of the affidavit. The petition before being returned and filed shall be signed by voters of the town to the number of at least twenty percent of the number of registered voters as determined at the time of the last preceding regular municipal election and to every such signature shall be added the place of residence of the signer, giving the street and number or other description sufficient to identify the place. Such signatures need not all be on one paper but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All such recall papers shall be filed on one instrument, with the endorsements thereon of the names and addresses of three persons designated as filing the same.

**Examination and amendment of recall petitions.** Within ten days after the filing of the petition the clerk shall ascertain whether or not the petition is signed by the requisite number of voters and shall attach thereto his certificate showing the result of such examination. If his certificate shows the petition to be insufficient, he shall forthwith so notify in writing one or more of the persons designated on the petition as filing the same; and the petition may be amended at any time within the ten days after the giving of said notice, by the filing of a supplementary petition upon additional papers, issued, signed and filed as provided herein for the original petition. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and attach thereto his certificate of the result. If then found to be insufficient, or if no amendment was made, he shall file the petition in his office and shall notify each of the persons designated thereon as filing it, of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

**Calling of election.** If the petition or amended petition shall be certified by the town clerk to be sufficient he shall submit the same with his certificate to the board of selectmen at its next meeting and shall notify the member or members whose removal is sought of such action. The board of selectmen shall thereupon, within ten days of the receipt of the town clerk's certificate, order an election to be held not less than forty nor more than sixty days thereafter; provided that if a regular municipal election is to occur within ninety days after the receipt of said certificate,

the board of selectmen may in its discretion provide for the holding of the removal election on the date of such other municipal election. The removal election shall be called and held and nominations made as in other elections under this charter except for the specific limitations of this section.

**Form of ballot in recall election.** Unless the member or members whose removal is sought shall have resigned within ten days after the receipt by the board of selectmen of the town clerk's certificate, the form of the ballot at such election shall be as nearly as may be: "Shall A be recalled? Shall B be recalled?" etc., the name of the member or members whose recall is sought being inserted in place of A, B, etc., and the ballot shall also contain the names of the candidates nominated in place of the men recalled, as follows: "Candidates for the place of A, if recalled; candidates for the place of B, if recalled," etc., but the men whose recall is sought shall not themselves be candidate upon such a ballot. The names shall be arranged as provided in section seven hereof.

In case a majority of those voting for and against the recall of any official shall vote in favor of recalling such official he shall be thereby removed, and in that event the candidate to succeed him for the balance of the unexpired term shall be determined as provided in sections eight and nine hereof.

If the person or persons sought to be removed shall have resigned within ten days after the receipt by the board of selectmen of the town clerk's certificate referred to in this section above, the form of ballot at the election shall be the same, as nearly as may be, as the form in use at a regular municipal election and all other procedure shall be the same.

**Procedure on refusal of board of selectmen.** Should the board of selectmen fail or refuse to order an election as herein provided, such election may be ordered by any justice of the supreme judicial court.

**Sec. 10. State laws not inconsistent applicable.** The provisions of the laws of the state of Maine relating to the qualifications of electors, registration, the manner of voting, the duties of election officers, the division of the town into polling districts, and all other particulars in respect to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections of the town of Sanford except as otherwise provided in this charter.

## ARTICLE VI.

### ADMINISTRATIVE OFFICERS

**Sec. 1. Title and appointment.** There shall be the following administrative officers and boards appointed as hereinafter designated:



## CHAP. 80

(a). The following officers and boards shall be appointed by ballot by a majority vote of the members of the board of selectmen: town manager; ballot clerks and constables in accordance with the laws of the state of Maine relating to the appointment of said officials; town clerk and collector of taxes; and town treasurer.

(b) The following officers and boards shall be appointed by the town manager: town auditor; chief of police; town physician and health officer, subject to approval of health commissioner; chief engineer of the fire department, inspector of buildings, sealer of weights and measures; road commissioner; assessors of taxes as provided for in section ten of this article; town planning board as provided for in section twelve of this article; policemen, members of the fire department; all other officials whose positions may be created, and, except as herein otherwise provided, all minor officers and employees.

**Sec. 2. Power of board of selectmen with regard to appointive officers and boards.** The board of selectmen shall have power by ordinance or resolve:

(a) To create any new appointive office.

(b) To authorize the appointment of assistants or deputies in any office.

**Sec. 3. Civil service rules for police and fire department.** The board of selectmen may provide by ordinance for a system of civil service rules for the appointment, promotion, demotion, lay-off, reinstatement, suspension and removal of the members of the police department and of the fire department, other than the chief of said departments, and for a civil service commission to administer the same.

**Sec. 4. Term of service.** All appointive officers whose terms of service are specified herein shall be removable by the appointing powers, only upon written charges, notice and hearing, if upon such hearing they are adjudged guilty of the charges preferred.

All other appointive officers shall hold office during the pleasure of the appointing power.

**Sec. 5. Compensation of officers.** The board of selectmen shall fix by order the salaries of the appointees of the board of selectmen. Salaries of the appointees of the town manager shall be fixed by the town manager, subject to the approval of the board of selectmen.

**Sec. 6. Appointment and qualifications of the town manager.** The town manager shall be chosen by the board of selectmen on the basis of his character and his executive and administrative qualifications and must be a civil engineer and a graduate of some recognized school of engineer-

ing and have had at least two years technical experience or must have had at least five years of technical experience under the council-manager plan of government, and may or may not be a resident of the town of Sanford or of the state of Maine at the time of his appointment.

**Sec. 7. Powers and duties of the town manager.** The town manager shall be the executive and administrative head of the town and shall be responsible to the board of selectmen for the administration of all departments. The powers and duties of the town manager shall be as follows:

(a) To see that the laws and ordinances are enforced, but he shall delegate to the chief of the police department the active duties connected therewith regarding criminal misdemeanors.

(b) To exercise control over all departments and divisions created herein or that may hereafter be created.

(c) To make appointments as provided in this charter.

(d) To assign the duties of two or more officers to one officer.

(e) To divide the duties of any office between two or more offices.

(f) To attend meetings of the board of selectmen, except when his removal is being considered, and recommend for adoption such measures as he may deem expedient.

(g) To keep the board of selectmen fully advised as to the business and financial condition and future needs of the town and to furnish the board of selectmen with all available facts, figures and data connected therewith, when requested.

(h) To perform such other duties as may be prescribed by this charter or required by ordinance of the board of selectmen.

**Sec. 8. Substitute.** During any vacancy in the office of town manager, and during the absence or disability of the town manager, the board of selectmen may designate a properly qualified person to perform the duties of manager and fix his compensation; while so acting he shall have the same powers and duties as those given to and imposed on the town manager.

**Sec. 9. Duties of administrative officers other than manager.** Duties of administrative officers other than the town manager shall be those prescribed by the town manager. Such duties shall not be inconsistent with the provisions of this charter.

**Sec. 10. Assessors of taxes.** There shall be three assessors of taxes appointed for terms of three years by the town manager and until their successors are appointed and qualified, except that the first town manager to be appointed under this charter shall appoint three assessors for one, two and three years respectively, and until their successors are appointed

## CHAP. 80

and qualified. If for any reason a vacancy shall exist in the membership of the board of assessors, the vacancy shall be filled forthwith by the town manager for the unexpired term. The assessors appointed as above 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. 11. Town physician and health officer.** The town physician and health officer shall be given the same powers and authority and shall be subject to the same duties and liabilities as are now, or may be hereafter, held by or imposed upon the town physician, the health officer or board of health by the laws of the state of Maine, and he shall perform such other duties, not inconsistent with the law of the state, as the board of selectmen shall determine by ordinance.

**Sec. 12. Town planning board.** The town planning board shall consist of three electors appointed by the town manager and shall serve without compensation. The members shall be appointed as soon as may be convenient after this charter goes into effect. One member shall be appointed for a term of three years, one for a term of two years, and one for a term of one year and annually thereafter one member for a term of three years.

The town planning board shall choose one of its members as chairman, determine its own rules of procedure, and may employ a secretary and such experts and other employees as may be necessary and authorized by the board of selectmen. The board shall have power and authority to call upon any branch or department of the town government, at any time, for information and advice needed by the board in the prosecution of its work.

The board shall have full power and authority to make such investigations, maps, reports, and recommendations relating to the planning of the town as it deems desirable. In particular, it shall have authority, and it shall be its duty, to make recommendations concerning: (a) the location, extension, widening, and planning of streets, boulevards, parks, playgrounds and other public places; (b) changes in, or vacation of, streets, alleys, or other public places, and the sale or disposal of any real estate owned by the town; (c) the construction of public buildings, bridges, viaducts, street fixtures, and other structures and appurtenances having to do with the convenience and beauty of the town; (d) the design and location of works of art which are or may become the property of the town; or which may be set up in any public place of the town; (e) the laying out and platting of new subdivisions; (f) the districting and zoning

of the town as to the uses to which property may be put, and regulating the height, area, and use of buildings; (g) the future physical development of the town; (h) such state and municipal legislation as may be necessary to carry out such plans.

Any matter referred by the board of selectmen to the board shall be acted upon by the board within thirty days of the date of reference, unless a longer or shorter period is specified. No action by the board of selectmen involving any points hereinbefore set forth shall be legal or binding until it has been referred to the board and until the recommendations of the board thereon have been accepted or rejected by the board of selectmen.

The board shall submit to the board of selectmen an annual report summarizing the activities of the board for the fiscal year, the recommendations made by it to the board of selectmen during the year and the action of the board of selectmen during the year on any and all recommendations made by the board in that or former years. The annual report of the board shall also contain recommendations for improvements for the next two years ensuing.

## ARTICLE VII.

### BUSINESS AND FINANCIAL PROVISIONS

**Sec. 1. Accounts and records.** Accounts shall be kept by the auditor, showing the financial transactions of all departments of the town. Forms for all such accounts shall be prescribed by the auditor, with the approval of the town manager. Accounts shall be kept in such a manner as to show fully at all times the financial condition of the town. The auditor shall furnish to the town manager, prior to the first regular meeting of the board of selectmen in each month, a report containing in detail the receipts and disbursements of the town on all accounts, the expenditures made and the obligations incurred during the preceding calendar month and a balance sheet showing the financial condition of the town, of the several funds, and the total unexpended balance to the credit of each department.

**Sec. 2. Annual audit.** All the accounts of the town shall be audited annually by a certified accountant to be chosen by the board of selectmen.

**Sec. 3. Reports.** The auditor shall publish each month a statement of the financial condition of the town. Each of the administrative officers and boards shall annually, on such a date as may be fixed by the board of selectmen, render to the town manager a full report of the transactions of his or their department for the year. On the basis of these reports, the town manager shall prepare and publish an annual report for general

## CHAP. 80

distribution. In addition to a summary of the services rendered by the various departments, the report shall show:

- (a) Receipts classified according to sources.
- (b) Expenditures classified according to objects. The classification of receipts and expenditures in the report shall conform in general to the classification in the auditor's books.
- (c) Balance sheets.
- (d) Such other financial information as may be required by the board of selectmen.

**Sec. 4. Annual budget.** Not later than one month before the end of the fiscal year, the town manager shall submit to the board of selectmen, budget estimates for the ensuing fiscal year. This budget shall be compiled from detailed information furnished by the administrative officers and boards on blanks, the forms of which shall be designated by the town manager, and shall contain:

- (a) Exact statement of the financial condition of the town.
- (b) 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.
- (c) 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.
- (d) Such other information as may be required by the board of selectmen.

The budget shall be published not later than two weeks after its submission to the board of selectmen. The board of selectmen shall fix a time and place for holding a public hearing upon the budget, and shall give a public notice of such hearing, which shall be at least ten days before the final passage of the appropriation resolve.

**Sec. 5. Appropriation resolve.** As early as practicable after the beginning of the fiscal year, the board of selectmen shall pass an annual appropriation resolve, which shall be based on the budget submitted by the town manager. The total amount appropriated shall not exceed the estimated revenue of the town.

Before the annual appropriation resolve has been passed the board of selectmen may make appropriations for current departmental expenses, chargeable to the appropriation for the year, when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation resolve is in force.

**Sec. 6. Reserve fund and transfers therefrom.** The board of selectmen in the appropriation resolve shall provide for a reserve fund from which transfers shall be made only by vote of the board of selectmen, and no transfers of any money shall be made from any fund other than this reserve fund until the end of the fiscal year, at which time after all warrants have been paid out of the various funds against which such warrants have been drawn, the auditor shall transfer to the reserve fund such balances or balance then remaining in the various other funds, except balances in the school fund; the board of selectmen may then authorize a transfer from the reserve fund to any other fund, in which there is an overdraft created by any actual emergency. The board of selectmen shall then transfer the remaining balance in the reserve fund to the sinking fund of the town; provided, however, that the board of selectmen may, in special cases, continue any particular fund without transfer temporarily pending the completion of expenditures in process or in contemplation. Provided, further, that when and in case the occasion ceases to exist for maintaining a sinking fund as provided for by section ten of this article the portion of this section relating to the transfer of the reserve fund to the sinking fund shall cease to be in effect.

**Sec. 7. Borrowing.** The borrowing of money by and for the town shall be limited as to form and purpose by the provisions of section eight and section nine of article seven of this charter. The credit of the town shall in no manner be loaned to any individual, association or corporation.

**Sec. 8. Bond issues.** Money may be borrowed, within the limits fixed by the constitution and statutes of the state now or hereafter applying to said town of Sanford by the issue and sale of bonds or notes pledged on the credit of the town, the proceeds to be used for the payment of indebtedness of the town contracted for the acquisition of land, the construction and equipment of buildings, the construction of streets and roads, and other permanent public improvements, and the payment or refunding of bonds, notes and certificates of indebtedness previously issued. No order providing for the issue of bonds shall be passed without public notice being given by posting notice of the same in two public places in the town of Sanford, and publishing said notice in at least two newspapers published or circulated in the town of Sanford at least two weeks before final action by the board of selectmen, and the approval of four-fifths of all the members of the board of selectmen. Every issue of bonds shall be payable within a fixed term of years; if said bonds are issued in payment of indebtedness incurred for a permanent improvement the term of such bonds shall not exceed the estimated period of utility of said improvement but the declaration of the board of selectmen embodied in

## CHAP. 80

the order authorizing the issue shall be a conclusive determination of the estimated period of utility thereof; and the term within which all bonds shall be made payable shall in no case exceed thirty years. Bonds issued after the adoption of this charter shall be made payable in equal, annual, serial installments as pertains to principal, and interest shall be made payable semi-annually. Every order for the issue of bonds shall provide for a tax levy for each year of an amount necessary to meet the payment of the annual, serial installment of principal and interest; and such amounts shall be included in the tax levy for each year until the debt is extinguished; provided, however, that bonds issued to refund any indebtedness of the town of Sanford existing prior to the adoption of this charter or bonds issued to refund such bonds shall not be subject to the aforesaid requirement of being made payable in equal, annual, serial installments.

**Sec. 9. Temporary loans.** Money may be borrowed in anticipation of receipts from taxes during any fiscal year after said fiscal year begins, but the aggregate amount of such loans outstanding at any one time shall not exceed eighty per cent of the revenue received from taxes during the preceding fiscal year. All such loans shall be paid within the year out of receipts from taxes for the fiscal year in which said loans are made. Money may be borrowed in anticipation of money to be received from the sale of bonds to be issued, in case such bond issue has been authorized; all such loans shall be paid within one year and are subject to the provisions of laws of the state of Maine in relation thereto. This section shall not limit in any way the power granted to towns and cities to borrow money as contained in chapter four, section sixty-two of the revised statutes and acts amendatory thereof and additional thereto.

**Sec. 10. Sinking fund.** Until the bonded indebtedness of the town of Sanford in force at the time of the adoption of this charter together with any renewals thereof is fully paid, the board of selectmen shall raise and set apart each year for a sinking fund a fund not less than two per cent of the total amount of appropriations for that year. The sinking fund shall be applied only to the payment of that bonded indebtedness of the town, the payment of which has not been provided for by payments in serial installments. The sinking fund shall be invested as provided by the revised statutes of the state of Maine and all acts in addition thereto and in amendment thereof.

**Sec. 11. Payments.** Money shall be paid out only on warrants on the town treasury issued by the auditor and countersigned by the town manager and by a member of the board of selectmen, to be designated from time to time by said board of selectmen. The auditor shall examine all

pay-rolls, bills, and other claims and demands against the town, and shall issue no warrant for payment until he finds that the claim is in proper form, correctly computed, duly certified and legally due and payable.

The auditor may require any claimant to make oath to the validity of his claim, may investigate any claim, and for each purpose or purposes may examine witnesses under oath.

**Sec. 12. Bonds of officers.** The board of selectmen shall require a bond with sufficient surety or sureties, satisfactory to the board of selectmen, from all persons trusted with the collection, custody or disbursements of any of the public moneys, and may require such bond from such other officials as it may deem advisable, the premium charges for said bonds to be paid by the town.

**Sec. 13. Collection and custody of town moneys.** All moneys received by an officer, employee or agent of the town belonging to the town, or for or in connection with the business of the town, shall forthwith be paid by the officer, employee or agent receiving the same into the town treasury, and shall then be deposited by the town treasurer with some responsible banking institution or institutions to be chosen by said board of selectmen. All interest from all deposits of money belonging to the town shall accrue to the benefit of the town.

**Sec. 14. Purchasing of supplies.** The purchasing agent shall purchase all supplies for the town and for the several officers and boards thereof, with the exception that school supplies shall be purchased as requisitioned by the superintending school committee.

The purchasing agent shall see to the delivery of supplies to each officer and department to whom they belong, and take and file receipts therefor. He shall conduct all sales of property belonging to the town which are unfit or unnecessary for the town's use, but only after such sale has been authorized by the board of selectmen, and subject to such restrictions as the board of selectmen may by ordinance provide.

The town manager shall act as purchasing agent until the board of selectmen by ordinance shall provide for the appointment of a purchasing agent.

## ARTICLE VIII.

### PUBLIC UTILITIES

**Sec. 1. Franchises.** All public franchises, hereafter granted, and all renewals, amendments, and extensions thereof shall be granted or made only by a four-fifths vote of the members of the board of selectmen. Every application for a franchise and renewal or amendment thereof shall be filed with the town clerk and published in full in a newspaper pub-



## CHAP. 80

lished or circulated in Sanford at least twenty days before final action is to be taken on said franchise, nor shall any action be taken until a public hearing has been held thereon. No public utility franchise shall be transferable except with the approval of the board of selectmen.

**Sec. 2. Right of regulation.** All orders providing for grants, renewals, amendments or extensions of public utility franchises shall retain to the town the following rights, not inconsistent with the laws of the state of Maine:

(a) To repeal the same by order at any time for non-use, or for failure to begin construction within the time prescribed, or for failure to otherwise comply with the terms prescribed.

(b) To require proper and adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency.

(c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.

(d) To impose such other regulations as may be conducive to the safety, welfare and accommodation of the public.

**Sec. 3. Provisions of R. S., c. 55, applicable.** Nothing herein contained is intended to repeal, or shall be construed as repealing, the whole or any part of any existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of chapter fifty-five of the revised statutes, and all acts amendatory thereof or additional thereto.

## ARTICLE IX.

## MISCELLANEOUS PROVISIONS

**Sec. 1. No personal interest.** The laws of the state of Maine appertaining to pecuniary interests of selectmen, and to interests of members of the town government in contracts entered into by such government shall continue to apply to said officers and members of the government of the town of Sanford.

Furthermore, no officer or employee of said town, except a policeman or fireman, shall accept or receive from any person, firm or corporation acting under a franchise or license from the town, any frank, free pass, free ticket, or free service, or accept directly or indirectly from any such person, firm or corporation, any service upon terms more favorable than those granted to the public generally. This provision shall not apply, however, to any free service now or hereafter provided for by contract, franchise or ordinance. A breach of these provisions would be cause for removal from office by the selectmen on complaint sufficiently established.

**Sec. 2. Referendum; date of meeting; form of question; procedure.** This act shall be submitted for approval or rejection to the qualified voters of the town of Sanford at an election to be held the second Monday in September in the year nineteen hundred and twenty-nine and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said town to meet in the several polling places of said town, there to cast their ballot concerning a new charter for the town of Sanford. The vote shall be taken by ballot at said election in answer to the question: "Shall an act passed by the legislature in the year nineteen hundred and twenty-nine entitled 'An Act to Grant a Charter to the Town of Sanford' be accepted?" which shall be printed on the official ballots and at said election the voters of said town in favor of accepting this act shall vote "Yes" and those opposed shall vote "No."

Otherwise said ballot shall be in the form provided by law when a constitutional amendment is submitted to the vote of the people. The provisions of law relating to the preparation of voting lists for municipal elections shall apply to such election and said election shall in all other respects be conducted by law, and the results thereof shall be determined in the manner now provided by law for the determination of the election of municipal officers. If a majority of the valid ballots deposited as aforesaid shall favor accepting the same, then this act shall forthwith take effect as herein provided.

**Sec. 3. Date when effective.** So much of this act as authorizes the submission of the acceptance of this charter to the voters of the town of Sanford shall take effect as provided in the constitution of the state, but it shall not take further effect unless adopted by the voters of the town of Sanford as hereinbefore provided. If adopted by the voters of the town, then this act for the purpose of nominating and electing officers hereunder shall take effect on the date of its adoption by the voters, and for all other purposes this act shall take effect on the first Monday in January in the year nineteen hundred and thirty.

**Sec. 4. Ordinances not inconsistent continued in force.** All ordinances in force at the time when this charter takes effect, not inconsistent with the provisions of this charter, shall continue in force until amended or repealed.

All rules and regulations of the municipal officers of the town of Sanford in force at time when this charter takes effect, not inconsistent with the provisions hereof, shall continue in force until amended or repealed.

**Sec. 5. Existing contracts not invalidated, unless inconsistent.** All rights, actions, proceedings, prosecutions, and contracts of the town or

## CHAP. 81

any of its departments, pending or unexecuted when this charter goes into effect and not inconsistent therewith shall be enforced, continued or completed in all respects as though begun or executed hereunder.

**Sec. 6. Term of office, officers, boards.** All officials, officers, trustees, or members of departments, hereafter to be appointed or elected under the provisions of this charter by the town manager or by the board of selectmen or by the qualified voters of said town, whose term of office has not been herein otherwise provided for, shall not serve out their present terms, but shall continue in office only until their successors are appointed or elected, and qualified, as provided in this act.

**Sec. 7. Inconsistent acts repealed.** In case this act is approved in the manner hereinbefore provided, all acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 28, 1929.

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## Chapter 81.

An Act to Amend Chapter Two Hundred and One of the Private and Special Laws of Nineteen Hundred and Eleven, Entitled An Act to Incorporate the Guilford Water District.

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

**Sec. 1. P. & S. L., 1911, c. 201, sec. 1; relating to incorporation of Guilford Water District, amended.** Section one of chapter two hundred and one of the private and special laws of nineteen hundred and eleven is hereby amended by striking out all of said section and inserting in place thereof the following:

**'Sec. 1. Territory defined; name.** The following territory and the people within the same, namely, all that part of the town of Guilford which lies in lots seven, eight and nine, range one, and lots seven, eight and nine, range two, and so much of lot six, range one, as lies west of Maxfield brook, and that part of the town of Parkman lying east of land of Peter F. Morin, which said part includes the homesteads of Etta Perkins, Gardiner Foss, Estella Watson and Clarence B. Farrar, and such additions as may be made from time to time, and that part of Sangerville embraced within the following limitations, namely, beginning at the northwest corner of lot number two, range one, thence southerly on the line between lots one and two to the range line between ranges two and three; thence easterly along said range line to its intersection with the lot line between lots six and seven in range two; thence northerly to the Guilford town line; thence westerly on said Guilford town line to the point of beginning, which territory includes the villages of Guilford and