

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-sixth Legislature

OF THE

STATE OF MAINE

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1953

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Ninety-sixth Legislature

1953

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 Fairfield at the next regular town meeting, an appropriate article being inserted in the call for such meeting.

The town clerk shall reduce the subject matter of this act to the following question: "Shall 'An Act Relating to Special Town Meetings in Town of Fairfield,' passed by the 96th 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 all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said meeting; provided, however, that the total number of votes cast for and against the acceptance of this act at said election equals or exceeds 20% of the total number of votes cast for all candidates for governor in said town at the next previous gubernatorial election.

The result of the vote shall be declared by the municipal officers of the town of Fairfield and due certificate thereof shall be filed by the town clerk with the secretary of state.

Effective August 8, 1953

Chapter 119

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

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

COUNCIL-MANAGER CHARTER OF BRUNSWICK

ARTICLE I

Grant of Powers to The City

Sec. 1. 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 City of Brunswick, Maine.

Sec. 2. Powers of the city. The city 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

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otherwise pertaining to or incumbent upon said city 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 1 case, to be recovered to the use of said city on complaint or by other appropriate action before the municipal court of said city.

The city may acquire property within or without its corporate limits for any city 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 city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all the powers necessary or convenient for the conduct of its municipal affairs, including all powers the city may assume pursuant to state laws and to the provisions of the state constitution.

ARTICLE II**City Council**

Sec. 201. Number, election, term. The city council shall be composed of 9 members, each of whom shall be elected by the registered voters of the entire city in the manner prescribed in Article XII. Three shall be elected at large from the registered voters of the entire city, and 1 shall be elected from each of the 6 districts provided for in section 206 of this Article, from the registered voters of each district. Each member shall be elected for a term of 2 years and until his successor is elected and qualified, except as hereinafter provided in this section. At the 1st election of members of the city council held after the adoption of this charter, 9 members shall be elected; 3 members shall be elected at large, the 2 members-elect who shall receive the largest number of votes cast shall hold office for 2 years. The 1 member-elect who shall receive the 3rd largest of number of votes cast shall hold office for 1 year, and each shall hold office until his successor is elected and qualified; and 6 members shall be elected, 1 from each district, the 3 members-elect who shall receive the largest number of votes cast shall hold office for 2 years, the 3 members-elect who shall receive the next largest number of votes cast shall hold office for 1 year, and each shall hold office until his successor is elected and qualified.

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Sec. 202. Powers and duties. The administration of all the fiscal, prudential and municipal affairs of said city with the government thereof, except the general management, care, conduct and control of the schools of said city, which shall be vested in a school committee as hereinafter provided, and also except as otherwise provided by this charter, shall be and are vested in the city council.

The members of the city council shall be and constitute the municipal officers of the city 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 cities 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 city council so far as relates to said city; and they are authorized to unite the watch and police departments into one department and establish suitable regulations for the government of the same.

Sec. 203. Residue of powers. All other powers now or hereafter vested in the inhabitants of said city and all powers granted by this act, except as herein otherwise provided, shall be vested in said city council.

Sec. 204. Enumeration of powers. Without limitation of the foregoing, the council shall have power to:

1. Appoint and remove the city 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. Adopt the budget of the city;
4. Authorize the issuance of bonds by a bond ordinance;
5. Inquire into the conduct of any office, department or agency of the city and make investigation as to municipal affairs;
6. Adopt plats;
7. Adopt and modify the official map of the city;

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

Sec. 206. District revision. The said city shall be divided into 6 districts. It shall be the duty of the city council each 10th year, commencing with the year 1960, to review and if needful to alter the district lines in such manner as to maintain as nearly as convenient, consistent with well defined boundaries, an equal number of voters in each district.

Sec. 207. Qualifications. Councilmen shall be qualified electors of the city and remain inhabitants of the city during their term of office. They shall hold no other office of emolument or profit under the city 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. 208. Compensation. Councilmen shall receive \$10 for each council meeting upon attendance, not to exceed in the aggregate \$250 per year

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in full for their services. The city council by order shall fix the salaries of officials elected by the city council, including the salary of the city manager for his services as such and for all other services rendered by him. Salaries of the appointees of the city manager shall be fixed by the city manager.

Sec. 209. Induction of council into office. The city council shall meet at the usual place for holding meetings at 10 A. M. on the 1st Monday in April following the regular city 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 city clerk.

Sec. 210. Regular meetings. The city 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 meetings of the city council shall be opened to the public.

Sec. 211. Special meetings. Special meetings may be called by the chairman and, in the case of his absence, disability or refusal, may be called by a majority of the city council.

Sec. 212. 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 city 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 city government for all ceremonial purposes and by the governor for purposes of military law, but he shall have no regular administrative duties.

Sec. 213. Quorum. A majority of the city council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time or may compel attendance of absent members.

Sec. 214. Vote, how taken. In all meetings of the city 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 city clerk.

Sec. 215. Vacancies in council. If a seat in the council becomes vacant more than 6 months prior to the next regular city election, the vacancy shall be filled within 60 days from the date that the vacancy occurred by a special election, the warrant for which shall, upon vote of the city council, be issued by a member of the city council, by vote designated for that duty.

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Sec. 216. 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 opened to public inspection.

Sec. 217. Ordinances. In addition to such acts of the council as are required by statutes or by this charter to be by ordinance, every act of the council establishing a fine or other penalty or providing for the expenditure of funds or for the contracting of indebtedness, shall be by ordinance. The enacting clause of all ordinances shall be, "The Council of the City of Brunswick hereby ordains:".

Sec. 218. 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. 219. 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. 220. Final passage. After such hearing, the council may finally pass such ordinance 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. 221. 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 city clerk. Every ordinance, unless it shall specify 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 upon a favorable vote of the majority of those voting thereon, except as otherwise expressly provided by this charter.

Sec. 222. 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 city government and shall submit their report to the council and the city manager. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its offices. They shall not maintain any accounts or records of the city business, but, within specifications approved by the council, shall post-audit the books and documents kept by the department of finance and any separate or subordinate accounts kept by any other office, department or agency of the city government.

Sec. 223. Appointment of city manager. The council shall appoint an officer of the city who shall have the title of the city 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, nor shall any member of the city council act in that capacity.

Sec. 224. Removal of city manager. The council shall appoint the city 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 a majority vote of its members adopt a preliminary resolution stating the reason for his removal. The manager may reply in writing and may request a public hearing, which shall be held not earlier than 20 days nor later than 30 days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution, the council may suspend the manager from duty, but the regular salary of the manager shall continue to be paid to him during the period of suspension. If removal is voted, the city council shall cause to be paid to the city manager forthwith any unpaid balance of his salary and his salary for the next 2 calendar months.

Sec. 225. 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 city 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 city. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately.

Sec. 226. City clerk. The city clerk shall give notice of the meetings of the city 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. 227. Board of registration. The city council shall appoint the 2 associate members of the board of registration of voters, who shall serve for such term and perform such duties as may be provided by law.

Sec. 228. Citizens budget committee. The city council may appoint a citizens budget committee, and it shall be the duty of this committee to advise the council in its consideration of the budget.

ARTICLE III

The City Manager

Sec. 301. The city manager; qualifications. The city 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 city or state, but during his tenure of office he shall reside in the city.

Sec. 302. The city manager; chief executive. The city manager shall be the chief executive officer and the head of the administrative branch of the city 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 city 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 city, 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 city for the preceding year;

4. Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem to him desirable;
5. Perform such other duties as may be prescribed by this charter or required of him by the council, not inconsistent with this charter.

Sec. 303. Absence of city 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 city clerk a qualified administrative officer of the city. In the event of failure of the manager to make such designation, the council may by resolution appoint any officer of the city to perform the duties of the manager until he shall return or his disability shall cease.

Sec. 304. Administrative departments. There shall be a department of education, department of finance, department of personnel, department of public works, department of police, a fire department and such other departments as may be established by ordinance upon the recommendation of the manager.

Sec. 305. Directors of departments. At the head of each department, except the department of education, there shall be a director, who shall be an officer of the city and shall have supervision and control of the department, subject to the city manager. Two or more departments may be headed by the same individual, and the manager may head one or more departments.

Sec. 306. Director of public welfare. The manager shall appoint for an indefinite term an officer of the city, whose title shall be director of public welfare, who shall be responsible administratively to the manager, and who shall exercise all the powers and perform all of the duties conferred or imposed by law upon overseers of the poor.

Sec. 307. 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 generally for such positions by the state commissioner of health and welfare.

ARTICLE IV

Department of Education

Sec. 401. Board of education. The department of education shall be administered by a board of education, hereinafter referred to as the school

board, which shall consist of 5 duly qualified electors of Brunswick, who shall be nominated and elected from the city at large according to the provisions of Article XII 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, the 2 members-elect who receive the largest vote cast shall serve for 3 years, the two 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 one year.

Sec. 402. Vacancy. If for any reason a vacancy shall exist in the membership of the school board, 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. 403. Organization; qualification; quorum. The members of the board of education shall meet for organization 7 days from the date of their election. The members-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the city clerk, and a record made thereof. The majority of the whole number of the school board shall be a quorum and they shall elect their own chairman.

Sec. 404. Powers and duties. The board of education 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 city, except as otherwise provided in this charter. The school board shall, when requested by the city manager, furnish budget estimates in detail of the several sums required during the ensuing budget year for the support of the public schools and shall make such financial and activity reports in writing whenever and in such form to the city manager as he may require.

Sec. 405. Meetings. The school board shall hold at least 1 meeting a month, except in the period from June to September.

ARTICLE V

Budget

Sec. 501. Fiscal year. The fiscal year of the city 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 ad-

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ministered. To accomplish the change in fiscal year, a town meeting held in February or March, 1954, shall appropriate for the period from February 1, 1954, to June 30, 1954. The assessment made as of April 1, 1953, and as of April 1, 1954, shall be unaffected, the tax levies and proceeds of the tax levies based upon such assessments may be arranged as the city council may direct, to accomplish the transition of the fiscal years as provided by this charter.

Sec. 502. Preparation and submission of the budget. The city manager, at least 35 days prior to the beginning of each budget year, 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 on blanks, forms of which shall be designated by the city manager, and shall contain:

1. Exact statement of the financial condition of the city;
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, comparative figures from the current and next preceding year.
4. Such other information as may be required by the city council.

The budget shall be published not later than 2 weeks after its submission to the city council. The city 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 final passage of the budget.

Sec. 503. 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. 504. Adoption of budget; vote required. The budget shall be adopted by the favorable votes of at least a majority of all the members of the council.

Sec. 505. Date of final adoption; failure to adopt. The budget shall be finally adopted not later than the 27th day of the last month of the fiscal year. Should the council take no formal action on or prior to such date, the budget, as submitted, shall be deemed to have been finally adopted by the council.

Sec. 506. Effective date of budget; certification; copies made available. Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be certified by the city manager and city clerk and filed in the office of the director of finance. The budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all offices, departments and agencies, and for the use of interested persons and civic organizations.

Sec. 507. Budget establishes appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

Sec. 508. Budget establishes amount to be raised by property tax; certification to city assessor. From the effective date of the budget, the amounts stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the city in the corresponding tax year. A copy of the budget as finally adopted shall be certified by the manager and filed by him with the city assessor, whose duty it shall be to levy such taxes for the corresponding tax year.

Sec. 509. Budget summary. At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and shall be itemized also by departments and kinds of expenditures, in such a manner as to present to tax payers a simple and clear summary of the detailed estimates of the budget.

Sec. 510. Expenditures and departmental revenue. The budget for all departments, including the school department, shall include all proposed expenditures; and the city council shall make one gross appropriation for each department, including the school department, for the ensuing municipal year. The gross appropriation for each department shall not be exceeded except by consent of the city council, but the school budget shall be expended under the direction and control of the school board.

ARTICLE VI

Financial Provisions

Sec. 601. Director of finance; appointment. There shall be a department of finance, the head of which shall be a director of finance, who shall be, or be appointed by, the city manager.

Sec. 602. Director of finance; powers and duties. The director of finance shall have charge of the administration of the financial affairs of the city and to that end he shall have authority and shall be required to:

1. Compile the current income and expense estimates for the budget;
2. Compile the capital estimates for the budget;
3. Supervise and be responsible for the disbursements of all money and have control over all expenditures to insure the budget appropriations are not exceeded;
4. Maintain a general accounting system for the city government and each of its offices, departments and agencies, and exercise financial budgetary control over each office, department and agency.
5. Submit to the council through the city manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city;
6. Prepare for the city manager, as of the end of each fiscal year, a complete financial statement and report;
7. Collect all taxes, special assessments, license fees and other revenues of the city or for whose collection the city is responsible and receive all money receivable by the city from the state or federal government, or from any court, or from any office or department or agency of the city;
8. Supervise and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the city government;
9. Approve all proposed expenditures; unless he shall certify that funds are available, no expenditure shall be made.

Sec. 603. Bond. The director of finance shall provide a bond with such surety and in such amount as the council may require by ordinance.

Sec. 604. Work program; allotments. Before the beginning of the budget year, the head of each office, department or agency may submit to the city manager, when required by him, a work program of the year, which program shall show the requested allotments of appropriations for such office, department or agency, by monthly periods, for the entire budget year. The city manager shall review the requested allotments in the light of the work program of the office, department and agency concerned, and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total of appropriations available to said office, department or agency for the budget year.

Sec. 605. Allotments constitute basis of expenditures; subject to revision. The city manager may file a copy of the allotments with the director of finance, who shall authorize all expenditures for the offices, departments and agencies to be made from the appropriations on the basis of approved allotments and not otherwise. An approved allotment may be revised during the budget year in the same manner as the original allotment was made. If, at any time during the budget year, the city manager shall ascertain the total income, plus balances, for the year will be less than the total appropriations, he shall reconsider the work program and allotments of the several offices, departments and agencies and revise the allotments so as to forestall the making of expenditures in excess of the said income.

Sec. 606. Transfers of appropriations. The city 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 city 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. 607. 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, except as otherwise specifically required by general law or agreement concerning moneys granted to the city of Brunswick by the state of Maine or other units of government.

Sec. 608. Fees shall be paid to city government. All fees received by any officer or employee shall belong to the city government and shall be paid to the department of finance at such intervals as the director of finance may require.

Sec. 609. Purchasing. The city manager shall act as purchasing agent until the city council by an ordinance shall provide for the appointment of a purchasing agent.

The purchasing agent shall purchase all supplies for the city and for the several offices and boards thereof, excepting supplies for city schools, which school supplies shall be purchased only upon requisition by the school board.

The purchasing agent shall see to the delivery of supplies to each office or department to which they belong, take and file receipts therefor. He shall conduct all sales of property belonging to the city which are unfit or unnecessary for the city's use, but only after such sale has been authorized by the city council, and subject to such restriction as the city council may by ordinance provide. The purchasing agent shall also have the power and shall be required to:

1. Establish and enforce specifications with respect to supplies, materials and equipment required by the city government;
2. Have charge of such general storerooms and warehouses as the council may provide by ordinance;
3. Inspect or supervise all deliveries of supplies, materials and equipment and determine their quality, quantity and conformance with specifications.

Before the city purchasing agent makes any purchase of or contract for supplies, materials or equipment involving a sum in excess of \$1,500, he shall provide ample opportunity for competitive bidding, under such rules and regulations, and such exceptions, as the council may prescribe by ordinance; providing, however, that the council shall not except individual contracts, purchases or sales from the requirement for competitive bidding. The ordinance may authorize the city purchasing agent to combine with other units of government or with the Maine Municipal Association or its successor for purchasing purposes.

Sec. 610. Contracts for city improvements. Any city 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 city 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 city manager shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the council upon the recommendation of the city manager.

Sec. 611. 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, and no contract or order shall be issued to any vendor unless and until the director of finance certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued.

Sec. 612. No contract executed unless bond ordinance effective. No contract shall be executed for the acquisition of any property or the construction of any improvement or betterment to be financed by the issuance of bonds until the ordinance authorizing the issuance of such bonds shall have taken effect and any contract executed before such day shall be unenforceable in any court of law.

Sec. 613. Emergency appropriations. At any time in any budget year, the council may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditure, for other than a regular or recurring requirement, to protect the public health, safety or welfare. Such appropriation shall be by resolution adopted by the favorable votes of at least two-thirds of the members of the council, and shall be made only upon recommendation of the city manager. A total amount of all emergency appropriations made in any budget year shall not exceed 3% of the total operating appropriations made in the budget for that year.

Sec. 614. Borrowing to meet emergency appropriations. In the absence of unappropriated available revenues to meet emergency appropriations under the provisions of section 613, 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. 615. Borrowing in anticipation of property taxes. In any budget year, in anticipation of the collection of the property tax for such year, whether levied or to be levied in each year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "Tax Anticipation Note for the year 19...". Such notes may be issued for periods not exceeding 1 year and may be renewed from time to time for periods not exceeding 1 year, but together with renewals shall mature and be paid not later than the end of

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the 3rd fiscal year after the budget year in which the original note shall have been issued. The amount of the tax anticipation notes originally issued in any budget year shall not exceed 50% of the amount of the property tax levied in that year for city purposes. On renewal of tax anticipation notes of any given fiscal year, the amount renewed in the next succeeding fiscal year shall not exceed 20% of the amount originally issued, and the amount renewed in the 2nd fiscal year succeeding the year of levy shall not exceed 4% of the amount originally issued.

Sec. 616. Borrowing in anticipation of other revenues. In any budget year, in anticipation of the collection or receipt 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 city, 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. 617. 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 director of finance.

Sec. 618. City treasurer. The city council shall appoint a city 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 city or any office, department or agency of the city 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 city 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 city and shall be accounted for and credited to the proper account.

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

ARTICLE VII

Borrowing for Capital Improvements

Sec. 701. Power to incur indebtedness by issuing bonds and notes. The city 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 or acquire.

Sec. 702. Bonds; vote required. The city shall authorize the issuance of bonds by a bond ordinance passed by the affirmative votes of at least a majority of all the members of its council, as provided by this charter.

Sec. 703. Referendum on bond issue. Each bond issue shall be subject to permissive referendum on petition pursuant to the provisions of article XI of this charter, unless the bonds are authorized solely for a capital purpose made necessary as a result of fire, flood or other disaster, or the bonds are to be issued to finance the improvement or the extension of a municipally owned or operated utility or other public service enterprise.

Sec. 704. Effective date of bond issue. Each bond issue shall take effect on the 21st day after the 1st valid publication after final passage, unless it be submitted to referendum, in which event it shall not take effect unless it be approved by the favorable vote of at least a majority of those voting thereon.

Sec. 705. Authorization of notes in anticipation of bonds; maturity. In anticipation of the issuance of bonds, the council may by resolution authorize the issuance of negotiable notes, when it shall have heretofore authorized 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 by ordinance, all bond anticipation notes may be sold by the director of finance at private sale without previous public offering.

Sec. 706. All bonds paid in annual installments. All bonds issued pursuant to this charter shall be in consecutive annual installments, no one of which shall be more than 50% in excess of the smallest prior installment.

Sec. 707. 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. 708. Determination of council conclusive. The determination of the council, in the bond ordinance, as to the period of usefulness shall be conclusive in any action or proceeding involving the validity of the bonds.

Sec. 709. 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 qualified newspaper

circulating in the county and having a general circulation in the city of Brunswick.

Sec. 710. Short period of limitation. When 20 days shall have elapsed after the publication after the final passage of a bond ordinance as provided by this charter:

A. Any recitals or statements of fact contained in such bond ordinance, or in the preambles or recitals thereof, shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized and the city and all others interested shall forever thereafter be estopped from denying the same;

B. Such bond ordinances shall be conclusively presumed to have been duly and regularly passed by the city 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. 711. Payment of notes and bonds. The powers and obligations of the city to pay any and all bonds and notes hereafter issued by it pursuant to articles VI and VII of this charter shall be unlimited and the city shall levy ad valorem taxes upon all the taxable property within the city for the payment of such bonds or notes and interest thereon, without limitation of rate or amount. The faith and credit of the city is hereby pledged for the payment of the principal of and the interest on all bonds and notes of the city hereafter issued pursuant to this charter, whether or not such pledge be stated in the bonds or notes, or in the resolution or ordinance authorizing their issuance.

ARTICLE VIII

Tax Administration

Sec. 801. Assessor. There shall be established a division of assessment, the head of which shall be the city 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. 802. Board of assessment review; appointments; vacancies. There shall be a board of assessment review to consist of 3 members who shall

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be appointed by the city council for a term of 3 years, except that of those first appointed 1 shall be for a term of two years, and 1 for a term of 1 year; compensation if any to such members shall be determined by the city council. Vacancies in the membership of such board shall be filled by appointment by the city council for the unexpired term.

Sec. 803. Board of assessment review; powers and duties. The board of assessment review shall have the power to:

1. Review, on complaint of property owners, and revise assessments for the purpose of taxation of real and personal property within the city made by the city assessor;
2. Administer oaths;
3. Take testimony;
4. Hold hearings;
5. 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 non-member 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. 804. Public hearings on complaints. Beginning on such date as it may be publicly announced prior to the 16th day of June of each fiscal year and as long thereafter as may be necessary, the board of assessment review shall hear and determine the complaint of any person in relation to the assessment roll. Complaints to the board of assessment review shall be in writing and under oath, but the procedure before such board shall be informal and of a nature to effect justice as simply as possible.

Sec. 805. 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 city assessor.

ARTICLE IX**Department of Personnel**

Sec. 901. Merit basis of appointment. Appointments and promotions in the administrative service of the city shall be made according to merit

and fitness to be ascertained, so far as practicable, by competitive examination. To carry out this purpose, there shall be a department of personnel, the head of which shall be the personnel director, who shall be the city manager or his appointee. He shall prepare personnel rules and regulations which, after enactment by ordinance by the city council, he shall administer.

ARTICLE X

Planning and Zoning

Sec. 1001. Planning commission; organization. There shall be a city 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 city. The city manager and chairman of the city council shall serve as ex officio members of the commission. The commission shall elect its chairman from among the appointed members.

Sec. 1002. Planning commission; terms of officers; vacancies. The term of the appointive officers shall be five 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. 1003. Planning commission; powers and duties. The planning commission and the city council shall have such powers and perform such duties as are provided by sections 84 to 89, inclusive, of chapter 80 of the revised statutes of 1944 and any acts amendatory thereto, except that no extraordinary majority vote of the city council shall be required in exercising any of its planning functions under such law.

Sec. 1004. Director of planning. There may be a director of planning who shall be appointed by the city manager with the approval of the planning commission and who shall be qualified by special training and experience in the field of city planning. He shall be a regular technical advisor of the commission, may also be designated its executive secretary, and shall have such other authority, duties and responsibilities under the direction and control of the commission as it may require and establish.

ARTICLE XI

Initiative and Referendum

Sec. 1101. Power of initiative. The electors of the city 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 electors.

Sec. 1102. Power of referendum. The electors of the city of Brunswick shall have power to approve or reject at the polls an ordinance passed by the city council, or submitted by the council to a vote of the electors, except the regular annual budget or appropriation ordinance and except any bond issue authorized solely for capital purpose made necessary as a result of fire, flood, hurricane or other disaster, 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 city council of any ordinance which is subject to a referendum, a petition signed by at least 300 registered voters of the city of Brunswick may be filed with the city clerk, requesting that any such ordinance be either repealed or submitted to a vote of the electors.

Sec. 1103. Form of petitions. The petitions used to invoke the initiative and referendum shall be substantially in the following form:

"Petition to The Brunswick City 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 city of Brunswick, residing respectively at the addresses placed opposite our names, and we hereby petition the city council to submit the foregoing question to the voters of the city 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. 1104. Signatures to petitions. The signatures to petitions need not all be fixed to one petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating that he, and he only, personally circulated the foregoing paper, that it bears a stated number of signatures, 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.

Sec. 1105. Filing, examination and certification of petitions. All petition papers comprising an initiative or referendum petition shall be assembled and filed with the city clerk as 1 instrument. Within 20 days after a petition is filed, the city 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 electors. The city clerk shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing his examination of the petition, the city clerk shall certify the result thereof to the city 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. 1106. 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 city clerk, by filing a supplementary petition upon additional papers signed and filed as provided in 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. 1107. Effect of certification of referendum petitions. When a referendum petition, or amended petition, has been certified as sufficient by the city 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 electors, as hereinafter provided.

Sec. 1108. Consideration by council. Whenever the city council receives a certified initiative or referendum petition from the city 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 city 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 city council of the desired ordinance shall put an end to all proceedings under said petition.

Sec. 1109. Submission to electors. If the city 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 city council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electorate not less than 30 days nor more than 1 year from the date the council takes its final vote thereon. The city council may, in its discretion and, if no regular election is to be held within such period, shall provide for a special election.

Sec. 1110. Publication. Whenever any ordinance is required by the provisions of this article to be submitted to the voters of the city at any election, the city council must order 1 publication of the complete text thereof to be made in one, or more should the city council deem it best, of the newspapers published or having a general circulation in the city of Brunswick, such publication to be made not less than 10 days nor more than 15 days prior to the election.

Sec. 1111. 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. 1112. Results of the election. If a majority of the electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the city. A referred ordinance which is not approved by the majority of the electors voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Sec. 1113. Repealing ordinances. Initiative and referendum ordinances adopted and approved by the electors shall be published, and may be amended or repealed by the council, as in the case of other ordinances.

ARTICLE XII

Nominations and Elections

Sec. 1201. Municipal elections. The regular election for the choice of members of the city council and the school board shall be held on the last Monday in March. The council may by resolution order a special election, at any time, for the election of a new council by the qualified electors of the city. After the 1st election held under this charter, the then municipal officers, and thereafter, following the regular city election, the city 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 city council, and the persons who shall have been elected members of the school board, 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, not exceeding the number to be chosen, shall be deemed and declared elected to such office.

Sec. 1202. Nomination. Any qualified elector of the city may be nominated for the council or school board by petition which shall be signed by not less than 50 nor more than 100 qualified voters of the city. The petitions of candidates for warden and ward clerk shall be signed by not less than 25 nor more than 50 qualified voters of the ward in which such candidates are resident. No elector shall sign more than 1 petition for each office to be filled at the election, and should an elector 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 city clerk not earlier than 90 days nor later than 30 days before the election. No nomination shall be valid unless the candidate shall file with the city clerk in writing, not later than 30 days before the day of election, his consent accepting the nomination, agreeing not to withdraw, and if elected, to qualify.

Sec. 1203. 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 City Clerk of the City of Brunswick. We, the undersigned voters of the City of Brunswick, hereby nominate whose residence is for the office of, to be voted for at the election to be held in the City 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 city clerk he shall forthwith notify by mail at No. Street.”

Sec. 1204. List of candidates to be certified. The city 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 city of Brunswick, the names, residences and offices to which nominated, of the candidates who have duly filed the above described petition.

Sec. 1205. 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 city clerk at which said 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 name and 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 city elections shall be prepared by the city clerk. The ballot shall be printed substantially as follows:

(Back of the Ballot)

“OFFICIAL BALLOT

BRUNSWICK

MONDAY A. D.

(Facsimile of Signature)

CITY 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 CITY COUNCIL Vote for

Name of Candidate	Residence	
At-large		
District		

FOR SCHOOL BOARD Vote for

Name of Candidate	Residence	

FOR WARDEN Vote for 1

Name of Candidate	Residence	

FOR WARD CLERK Vote for 1

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. 1206. **Municipal elections.** 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 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.

Sec. 1207. **Ward revision.** The said city shall be considered as one ward for the purpose of elections; except that the city council may increase the number of wards. Each 10th year commencing with the year 1960 the council shall review, and if needful alter, the ward lines in such manner as to preserve, as nearly as may be convenient, consistent with well-defined boundaries, an equal number of voters in each ward.

Sec. 1208. **Warden and ward clerk.** The qualified voters of each ward shall, at the regular election, elect a warden and a ward clerk for their ward, who shall hold office for 1 year and until their successors are elected and qualified. The warden and ward clerk shall be sworn to the faithful performance of their duties by a justice of the peace, and a certificate of said oath shall be entered by the clerk on the records of said ward. The duties and powers of the warden and ward clerk shall be those granted and defined by the laws of the state of Maine, and such other powers as may be granted by the city council by ordinance.

ARTICLE XIII

General Provisions

Sec. 1301. **Investigation by council or city manager.** The city council, the city manager, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, agency or officer of the city 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 provision 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. 1302. 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. 1303. Publicity of records. All records and accounts of every office, department or agency of the city shall be opened to inspection by any citizen at all reasonable times and under reasonable regulations established by the city manager, 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. 1304. Repealing clause. All acts and parts of acts of the private and special laws of Maine relating to the city of Brunswick inconsistent with the provisions of this charter are hereby repealed.

Sec. 1305. Separability clause. If any portion of this act shall be held to be invalid, such decision shall not effect the validity of the remaining portions thereof.

Sec. 1306. Short title. This charter shall be known and may be cited as the "Council-Manager Charter of Brunswick"; the city clerk shall cause it to be printed and made available to the public promptly.

Sec. 1307. Establishment of districts. Upon approval of this charter by the voters of Brunswick, the board of selectmen of the town of Brunswick shall divide the town into 6 districts. Subject to well-defined boundaries, each district shall contain, as nearly as is convenient or practicable, an equal number of voters.

Sec. 1308. Expiration term of present elected officials. The term of the present town officials and of the school board shall expire at 10:00 A.M. on the 1st Monday of April, 1954.

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, 1953; and 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 City of Brunswick', passed by the 96th 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 immediately following the 1st election held under the provisions of this charter on the last Monday in March, 1954.

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.

Effective August 8, 1953

Chapter 120

AN ACT Relating to Salaries of Judge and Clerk, Clerk Hire, and Payment of Expenses of the Municipal Court of the City of Auburn.

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

Sec. 1. P. & S. L., 1915, c. 194, § 1, amended. Section 1 of chapter 194 of the private and special laws of 1915, as amended by section 1 of chapter 144 of the private and special laws of 1947, and by section 1 of chapter 127 of the private and special laws of 1949, is hereby further amended to read as follows:

'Sec. 1. Auburn municipal court established; appointment and salary of judge. A municipal court is hereby established in and for the city of Auburn, to be denominated the municipal court of the city of Auburn, which shall be a court of record and have a clerk and a seal, and consist of 1 judge, appointed as provided in the constitution, who shall be a citizen of Auburn and a member of the bar of the county of Androscoggin, and who shall be, ex officio, a justice of the peace and of the quorum, and have and exercise concurrent authority and jurisdiction with trial justices