

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-seventh Legislature

OF THE

STATE OF MAINE

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1955

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Ninety-seventh Legislature

1955

to function, shall be deposited to the credit of the town of Parkman, which money shall be used only for school purposes and shall be kept separate from all other money until authorized by the municipal officers of the town of Parkman to be expended as hereinbefore stated.

Sec. 7. P. & S. L., 1947, c. 62, repealed. Chapter 62 of the private and special laws of 1947 is hereby repealed.

Emergency clause; effective date; referendum; certificate to Secretary of State. In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the territory embraced within the limits of said district, present and voting at any annual or special town meeting called and held for that purpose by an appropriate article inserted in the warrant for such meeting in the manner prescribed by law for notifying and calling such meetings. Such meetings shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that if a special meeting is called, the board of registration of said town of Parkman shall not be required to prepare for posting, nor the town clerk to post, a new list of voters. The town clerk shall prepare the required ballots upon which he shall reduce the subject matter of this act to the following question: "Shall 'An Act to Incorporate the Town of Parkman School District,' as enacted by the 97th Legislature, be accepted?" and the voters shall indicate by a cross or check mark placed over the words "Yes" or "No" their opinion of the same. The result of the vote in said district shall be declared by the municipal officers of the town of Parkman and a certificate thereof filed by the town clerk with the Secretary of State. This act shall take effect for all the purposes of this act immediately upon its acceptance by a majority of the legal voters voting at such meeting; provided that the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for Governor in said town at the next previous gubernatorial election.

Effective March 10, 1955

Chapter 31

AN ACT to Provide a Selectman-Manager Form of Government for the Town of Madawaska, in the County of Aroostook.

Emergency preamble. Whereas, the citizens of the town of Madawaska have made plans to operate under a selectman-manager form of government; and

Whereas, the regular town meeting of Madawaska comes in March and unless this act is made effective without delay it will not be possible to elect officers and plan the year's business at the regular town meeting; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

ARTICLE I

Grant of Powers to the Town

Sec. 101. **Corporate existence retained.** The inhabitants of the Town of Madawaska, within the corporate limits as now established or as hereafter es-

established in the manner provided by law, shall continue to be a municipal corporation by the name of the Town of Madawaska, Maine.

Sec. 102. Powers of the town. The town shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said town as a municipal corporation, or the inhabitants or municipal authorities thereof; it may enact by-laws, regulations and ordinances not inconsistent with the constitution and laws of the State of Maine, and impose penalties for the breach thereof not exceeding \$100 in any 1 case, to be recovered to the use of said town on complaint or by other appropriate action before a municipal court.

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

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

ARTICLE II

Board of Selectmen

Sec. 201. Number, election, term. The Board of Selectmen shall be composed of 3 members, each of whom shall be elected by the registered voters of the entire town. Each member shall be elected for a term of 1 year and until his successor is elected and qualified, except as hereinafter provided in this section. The town meeting may, by majority vote, set other limits to number of selectmen or term of office.

Sec. 202. Powers and duties. The members of the Board of Selectmen shall be and constitute the municipal officers of the Town of Madawaska 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 under the laws of this state.

Sec. 203. Enumeration of powers. Without limitation of the foregoing, the Board of Selectmen shall have power to:

1. Appoint and remove the town manager;
2. By ordinance create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this charter. The Board of Selectmen 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. The Board of Selectmen shall make, alter and repeal ordinances; such action shall not become effective unless approved by majority vote at the next town meeting.

4. Inquire into the conduct of any office, department or agency of the town and make investigation as to municipal affairs;
5. Act as Overseers of the Poor.
6. Adopt and modify the official map of the town;
7. 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;
8. Provide for an annual audit.

Sec. 204. Appointments by Board of Selectmen. The following officers and Board shall be appointed by ballot by a majority vote of the members of the Board of Selectmen: Tax Collector, Excise Tax Collector, Town Attorney, Assessor, Treasurer and members of the Planning Commission. Trustees of any special districts shall also be appointed by the Board.

Sec. 205. Compensation. The compensation of the Board of Selectmen shall be established at each annual town meeting by a majority of the legal voters at said legal town meeting.

Sec. 206. Induction of the Board into office. The Board of Selectmen shall meet at the usual place for holding meetings at 9:00 A.M. on the day following the regular town election, and at said meeting selectmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the Town Clerk.

Sec. 207. Regular meetings. The Board of Selectmen 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. It shall also provide a method for calling special meetings. All meetings of the Board of Selectmen shall be opened to the public.

Sec. 208. Chairman. At its first meeting or as soon thereafter as practicable, the Board of Selectmen shall elect, by majority vote of the entire Board, one of its members for the ensuing year as Chairman, and the Board may fill, for an unexpired term, any vacancy in the office of Chairman that may occur. The Chairman shall preside at the meetings of the Board, and shall be recognized as head of the town government for all ceremonial purposes and by the Governor for purposes of military law, but he shall have no regular administrative duties.

Sec. 209. Quorum. A majority of the Board of Selectmen 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. 210. Vacancies in Board of Selectmen. If a seat in the Board becomes vacant more than 6 months prior to the next regular town 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 Board of Selectmen, be issued by a member of the Board, by vote designated for that duty.

Sec. 211. Rules of procedure; journal. The Board 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. 212. Election of Town Clerk. The office of Town Clerk shall be retained as an elective office as provided for under Maine Statutes.

Sec. 213. Town Clerk. The Town Clerk shall act as clerk of the Board of Selectmen and he shall keep a public record of all proceedings of the Board, including all roll-call votes. The Board of Selectmen may appoint a substitute clerk of the board if desired.

Sec. 214. Independent annual audit. Prior to the end of each fiscal year, the Board of Selectmen 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 evidence of financial transactions of the town government and shall submit their report to the Board of Selectmen, the town meeting and the town manager. Such accountants shall not maintain any accounts or records of the town business, but, within specifications approved by the Board of Selectmen 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 town government.

Sec. 215. Appointment of Town Manager. The Board of Selectmen shall appoint an officer of the town who shall have the title of the Town Manager and shall have the powers and perform the duties in this charter provided. No selectman 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 Board of Selectmen act in that capacity, except for a period not to exceed 90 days pending appointment of a new Town Manager.

Sec. 216. Removal of Town Manager. The Board of Selectmen shall appoint the Town Manager for an indefinite term and may remove him by a majority vote of its members. At least 30 days before such removal shall become effective, the Board of Selectmen shall by a majority vote of its members adopt a preliminary resolution stating the reason for its 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 Board of Selectmen by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution, the Board of Selectmen 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 Board of Selectmen shall cause to be paid to the Manager forthwith any unpaid balance of his salary and his salary for the next calendar month.

Sec. 217. Board of Selectmen not to interfere in appointments or removals. Neither the Board of Selectmen nor any of its members shall direct or request the appointment of any person to, or his removal from office by the Manager or by any of his subordinates, or in any manner take part in the appointment or removal of employees in the administrative service of the town. The appointment of department heads and office personnel shall be subject to confirmation by the Board of Selectmen within 30 days. Unless confirmation is refused, the appointment shall be considered confirmed. Except for the purpose of inquiry, the Board of Selectmen and its members shall deal with the administrative service solely through the Manager, and neither the Board of Selectmen nor any member thereof shall give orders to any subordinates of the Manager, either publicly or privately.

ARTICLE III

Town Manager

Sec. 301. The Town Manager; qualifications. The Town Manager shall be chosen by the Board of Selectmen solely on the basis of his character and his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the town or state.

Sec. 302. The Town Manager; chief executive. The Town Manager shall be the chief executive officer and the head of the administrative branch of the town government, and shall be responsible to the Board of Selectmen for the proper administration of all affairs of the town. He shall have the power and shall be required to :

1. Appoint, prescribe the duties of, and, when necessary for the good of the service, remove all officers and employees of the town, except as otherwise provided herein, and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office;
2. Prepare the budget annually, submit it to the Board of Selectmen and be responsible for its administration after adoption;
3. Prepare and submit to the Board of Selectmen as of the end of the fiscal year a complete report on the finances and administrative activities of the town for the preceding year;
4. Attend the meetings of the Board of Selectmen, except when his removal is being considered, and keep the Board of Selectmen advised of the financial condition and future needs of the town and make such recommendation as may seem to him desirable;
5. See that all laws and ordinances governing the town are faithfully executed;
6. Act as purchasing agent for all departments of the town, except the School Department;
7. Perform, subject to approval of the Board of Selectmen, duties of any office under his jurisdiction.
8. Perform such other duties as may be prescribed by this charter or required of him by the Board of Selectmen, not inconsistent with this charter.

Sec. 303. Absence of Town Manager. To perform his duties during his temporary absence or disability, the Manager may, with the consent of the Board of Selectmen, designate by letter filed with the Town Clerk a qualified administrative officer of the town. In the event of failure of the Manager to make such designation, the Board of Selectmen by resolution may appoint any officer of the town to perform the duties of the Manager until he shall return or his disability shall cease.

Sec. 304. 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 3 duly qualified electors of Madawaska, who shall be nominated and elected from the town at large according to the provisions of Article IX of this chapter, for a term of 3 years, and who shall serve until their successors are elected and qualified. The terms of the present incumbents shall expire on the date as previously voted at the 3 previous town meetings. The election of the Board of Education shall continue as previously instituted, that is, election of one member to the Board at each regular annual town meeting, except as provided in Section 402.

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 Board of Education 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 no later than 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 Town 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 town, except as otherwise provided in this charter. The School Board shall, when requested by the 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 Manager as he may require.

ARTICLE V

Budget

Sec. 501. Fiscal Year. The fiscal year of the town government shall begin the 1st day of February and shall end on the 31st day of January of each calendar year. Such fiscal year shall constitute the budget and accounting year as used in this charter. The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Sec. 502. Preparation and submission of the budget. The Town Manager, at least 15 days prior to the beginning of each budget year, shall submit to the Board of Selectmen a budget and an explanatory budget message. This budget shall be compiled from detailed information furnished by the administrative officers and boards on blanks, forms of which shall be designated by the Manager, and shall contain:

1. Exact statement of the financial condition of the town;

2. An itemized statement of appropriation recommended for current expenses, and for permanent improvement; 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 Board of Selectmen.
- The budget shall be published not later than 35 days after its submission to the Board of Selectmen.

Sec. 503. 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. 504. Budget establishes amount to be raised by property tax; certification to town 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 town in the corresponding tax year. A copy of the budget as finally adopted shall be certified by the Manager and filed by him with the Town Assessors or Assessor, whose duty it shall be to levy such taxes for the corresponding tax year.

Sec. 505. 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. 506. Expenditures and departmental revenue. The budget for all departments, including the School Department, shall include all proposed expenditures; and the town meeting 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 Board of Selectmen, but the school budget shall be expended under the direction and control of the School Board.

Sec. 507. Work program; allotments. Before the beginning of the budget year, the head of each office, department or agency shall submit to the Town 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 Town 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. 508. Transfers of appropriations. The Manager may at any time transfer any unencumbered appropriation balance or portion thereof between general classification of expenditures within an office, department or agency with consent of the Board of Selectmen. At the request of the Manager and within the last 3 months of the budget year, the Board of Selectmen may by resolution

transfer any unencumbered appropriation balance or portion thereof from one department, office or agency to another.

ARTICLE VI

Tax Administration

Sec. 601. Assessor. There shall be established a Division of Assessment, the head of which shall be the town Selectmen. The Assessor, if 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.

ARTICLE VII

Department of Personnel

Sec. 701. Merit basis of appointment. Appointments and promotions in the administrative service of the town 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 Town Manager or his appointee. He shall prepare personnel rules and regulations which, after enactment by ordinance by the Board of Selectmen, he shall administer.

Sec. 702. Prohibitions. No person in the service of the town or seeking appointment thereto or employment therein shall be appointed, promoted, reduced, removed or in any way favored or discriminated against because of his race or his political or religious affiliation, nor shall he either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of, or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.

No person in the administrative service of the town shall continue in such position after becoming a candidate for nomination or election to any public office, nor shall he make any contribution to the campaign funds of any political party or any candidate for public office or take any part in the management, affairs or political campaign of any political party, further than the exercise of his rights as a citizen to express his opinion and to cast his vote.

ARTICLE VIII

Planning and Zoning

Sec. 801. Planning Commission; organization. There shall be a town Planning Commission which shall consist of 5 members, who shall be appointed by the Board of Selectmen, none of whom shall hold any other public office or position in the town. The Town Manager and Chairman of the Board of Selectmen shall serve as ex officio members of the Commission. The Commission shall elect its chairman from among the appointed members.

Sec. 802. Planning Commission; terms of officers; vacancies. The term of the appointive officers shall be 5 years, except that of the 5 members first appointed, 1 shall be appointed for a term of 1 year, 1 for 2 years, 1 for 3 years and 1 for 4 years. Any vacancy during the unexpired term of an appointed member shall be by the Board of Selectmen for the remainder of the term.

Sec. 803. Planning Commission; powers and duties. The Planning Commission and the Board of Selectmen shall have such powers and perform such duties

as are provided by sections 93 to 99, inclusive, of chapter 91 of the Revised Statutes of 1954 and any act amendatory thereto, except that no extraordinary majority vote of the town Board of Selectmen shall be required in exercising any of its planning functions under such law.

ARTICLE IX

Nominations and Elections

Sec. 901. Municipal elections. The regular election for the choice of members of the Board of Selectmen, the School Board and Town Clerk shall be held on a Monday in March chosen by the Selectmen. The Board of Selectmen may by resolution order a special election, at any time, for the election of a new Board of Selectmen by the qualified electors of the town.

Sec. 902. Nomination. Any qualified elector of the town may be nominated for the Board of Selectmen, School Board or Town Clerk by petition which shall be signed by not less than 1% of the qualified electors who cast their votes at the most recent gubernatorial election. 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 Town Clerk not earlier than 90 days, nor later than 10 days, before the election. No nomination shall be valid unless the candidate shall file with the Town Clerk in writing, not later than 10 days before the day of election, his consent accepting the nomination, agreeing not to withdraw, and if elected, to qualify.

Sec. 903. Form of nomination petition. The signature to nomination papers need not all be affixed to 1 petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating the number of signers on each petition and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number of the street or other description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

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

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

Subscribed and sworn to before me this day of 19

Justice of the Peace
Notary Public

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

Sec. 904. 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 to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter.

ARTICLE X

The Town Meeting

Sec. 1001. Annual and special town meetings. An annual town meeting for the consideration of the budget and the transaction of other town business shall be held on any Monday in March. Special town meetings may be called by the Board of Selectmen.

Sec. 1002. When action by town meeting required. The annual budget, any appropriation of \$1,000 or more in addition to or supplementary to the annual budget appropriation, the issuance of bonds or notes, except notes in anticipation of taxes to be paid within the fiscal year in which issued, shall become effective only after it has been adopted at a town meeting by the vote of a majority of those present and entitled to vote at such meeting.

Sec. 1003. Petition for overrule of action of Board of Selectmen. All other ordinances, resolutions or votes, except those making appointments or removals or regulating exclusively the internal procedure of the Board of Selectmen, shall be subject to overrule by a special town meeting as follows: If, within 10 days after the publication of any such ordinance, resolution or vote, a petition signed by not less than 5% of the electors of the town, as determined from the latest official lists of the registrars of voters, is filed with the Town Clerk requesting its reference to a special town meeting, the Board of Selectmen shall fix the time and place of such meeting, which shall be within 10 days after the filing of the petition, and notice thereof shall be given in the manner provided by law for the calling of a special town meeting. An ordinance, resolution or vote so referred shall take effect upon the conclusion of such meeting unless at least 100 electors, constituting a majority of those voting thereon, shall have voted in the negative.

Sec. 1004. Petition for enactment of ordinances.

(a) Subject to the provisions of Section 1003 hereof, not less than 5% of the electors of the town, as determined from the latest official lists of the registrars of voters, may at any time petition over their personal signatures for the enactment of any proposed lawful ordinance by filing such petition, including the complete text of such ordinance, with the Town Clerk. The Board of Selectmen shall call a special town meeting, to be held within 30 days from the date of such filing, unless prior to such meeting such ordinance shall be enacted by the Board of Selectmen. The call for such meeting shall state the proposed ordinance in full and shall provide for a “Yes” or “No” vote as to its enactment. Such ordinance shall take effect on the 10th day after the conclusion of such meeting unless a majority of those voting thereon shall have voted in the negative.

(b) Any such proposed ordinance shall be examined by the Town Attorney before being submitted to the special town meeting. The Town Attorney is authorized to correct the form of such ordinance for the purpose of avoiding

repetitions, illegalities and unconstitutional provisions, and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but not materially changing its meaning and effect.

Sec. 1005. Exceptions. The provisions of this Article X shall not apply to any appointments of officers, of members of commissions, or of boards made by said Board of Selectmen, or to the appointment or designation of officers of the Board of Selectmen, or to rules governing the procedure of the Board of Selectmen.

Sec. 1006. Method of abolishing the Town Meeting. If the town of Madawaska should grow to such an extent that it becomes unwieldy and cumbersome to require action by a Town Meeting, not less than 10% of the electors of the town, as determined from the latest official lists of the registrars of voters, may petition over their personal signatures for a special town meeting to vote upon the question of submitting to a referendum vote on the ballot at a general or special town election the proposition of abolishing the town meeting. The Board of Selectmen shall call such a special town meeting to be held within 30 days from the date of the filing of such petition with the Town Clerk. If a majority of the electors voting at such special town meeting shall vote to submit to a referendum the question of abolishing the town meeting in the town of Madawaska, the proper election officials of the town shall take such steps as may be necessary to place such question upon the ballot at the next general election or at a special election called for that purpose as such special town meeting shall determine. If at such general election or special election a majority of the electors of the town voting on the question shall vote for the abolition of the town meeting of the town of Madawaska, the powers heretofore vested in the town meeting shall be conferred upon and exercised by the Board of Selectmen.

ARTICLE XI

General Provisions

Sec. 1101. Repealing clause. All Acts and parts of Acts of the Private and Special Laws of Maine relating to the town of Madawaska inconsistent with the provisions of this charter are hereby repealed.

Sec. 1102. 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. 1103. Short title. This charter shall be known and may be cited as the "Selectman-Manager Charter of Madawaska"; the Clerk shall cause it to be printed and made available to the public promptly.

Sec. 1104. Expiration term of present elected officials. The term of the present town officials shall expire at 9:00 A.M. on the 15th day of March, 1955.

Emergency clause; referendum; effective date; certificate to Secretary of State. In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the town of Madawaska, voting by ballot at a regular or special town meeting called by the selectmen of the town of Madawaska within 3 months after the approval of this act, an appropriate article being inserted in the call for such meeting. Such special meeting shall be called, advertised and conducted according to the law relating to municipal elections; providing, however, that the selectmen shall not be required to prepare for posting, nor the town clerk to post, a

new list of voters, and for the purpose of registration of voters, said board shall be in session the 2 secular days next preceding such election, the 1st day thereof to be devoted to the registration of voters and the last day to enable the board to verify the corrections of said list and to complete and close up the records of said sessions. The town clerk shall reduce the subject matter of this act to the following question: "Shall 'An Act to Provide a Selectman-Manager Form of Government for the Town of Madawaska, in the County of Aroostook,' passed by the 97th Legislature, be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This act shall take effect for all purposes hereof immediately upon its acceptance by a majority of the legal voters voting thereon at said meeting; provided that the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total number of votes cast for all candidates for Governor at the last preceding gubernatorial election.

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

Effective March 10, 1955

Chapter 32

AN ACT to Incorporate the Town of Eddington School District.

Emergency preamble. Whereas, the present accommodations for the schools of the town of Eddington are wholly inadequate to accommodate the pupils of said town; and

Whereas, the present buildings are overcrowded and are in very bad condition and cannot be made adequate and proper at a reasonable cost commensurate with the results obtainable; and

Whereas, the kind and quality of schooling available to the pupils is as a result inadequate; and

Whereas, new building construction is necessary to provide adequate school accommodations; and

Whereas, it is impossible for the town of Eddington to borrow sufficient funds for the purpose of erecting, equipping and maintaining a school building for school purposes and related athletic and recreational facilities; and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Incorporation; name; purposes. Subject to the provisions of this act, the inhabitants of and territory within the town of Eddington are hereby created a body politic and corporate under the name of "Town of Eddington