

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Third Legislature

OF THE

STATE OF MAINE

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PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Third Legislature
1967

Chapter 130

AN ACT Providing for a Council-Manager Form of Government for Town of Skowhegan and Increasing Compensation of Councillors of Town of Ashland.

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

Chapter I

Council-Manager Charter of Town of Skowhegan

Article I

Grant of Powers to the Town

Sec. 101. Incorporation. The inhabitants of the Town of Skowhegan, within the limits as now established or as hereafter established in the manner provided by law, shall be a municipal corporation by the name of the Town of Skowhegan, 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 bylaws, regulations and ordinances not inconsistent with the Constitution and laws of the State of Maine, and impose penalties for the breach thereof not exceeding \$100 in any one case, to be recovered to the use of said town by appropriate action.

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

Town Council

Sec. 201. General powers. The administration of all the fiscal, prudential and municipal affairs of said town, with the government thereof, except the general management, care, conduct and control of the schools of said town and also except as otherwise provided by this charter, shall be and are vested in one body of 7 members, which shall constitute and be called the town council, all of whom shall be inhabitants of said town, and shall be sworn in the manner hereinafter prescribed.

Sec. 202. Number, election, term. The town council shall be composed of 7 members, each of whom shall be elected by the registered voters of the entire town. Each member shall be elected for a term of 3 years and until his successor is elected and qualified, except that, at the first election after the adoption of this charter, the 3 members-elect receiving the most votes shall serve 3 years, the 2 members-elect receiving the next highest number of votes shall serve for 2 years and the 2 members-elect receiving the next highest number of votes shall serve for one year. In case of an equal number of votes, the relative position of the members-elect shall be determined by lot.

Notwithstanding the provisions of this section for the election of the town council from the entire town, provisions for election of the council from representative districts or by any combination to be elected at large and from representative districts, may be made by ordinance and submission to a referendum to be acted upon by the qualified voters of the town, and if accepted by a majority of the legal voters voting at said referendum shall take effect as provided in said ordinance.

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

Any ordinance under this section may, after publication and hearing thereon as provided for the enactment of ordinances under this charter, be submitted by the municipal officers to the voters with the submission of this Act.

Sec. 203. Qualifications. Councilmen shall be qualified voters of the town and shall reside in the town during their term of office. They shall hold no office of emolument or profit under the town charter or ordinances. If a councilman shall cease to possess any of these qualifications or shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant.

Sec. 204. Powers and duties. The members of the town council shall be and constitute the municipal officers of the Town of Skowhegan 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.

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

Sec. 205. Enumeration of powers. Without limitation of the foregoing, the council shall have power to:

I. Appoint and remove the town manager, the town assessor, the town attorney, the town tax collector, the town overseer of the poor, all of whom shall serve at the will of the appointing power.

II. Appoint the members of the board of assessment review, the planning board and the zoning board of appeals.

III. 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. The council may, however, vest in the manager all or part of the duties of any office except the Department of Education.

IV. Make, alter and repeal ordinances, governed by the authority which municipal authorities have to enact ordinances under the Revised Statutes and amendments thereto. Included under this power shall be the power to enact ordinances regulating the following classes of persons, businesses and purposes and to grant licenses and permits therefor for such periods of time and in accordance with such rules and regulations, not inconsistent with law, upon payment by the licensee of such fees, and filing of such bonds as said town council may establish and make provisions for by ordinance, to wit: Auctioneers, the maintenance and operation of garages, filling stations, sidewalk tanks and pumps for the sale or distribution of gasoline and other volatile inflammable liquids for fuel or power; the manufacture, storage, sale, transportation, disposition and use of explosives and flammable liquids; billiard halls; pool halls; bowling alleys; roller skating rinks; junk dealers; dealers in second-hand parts and salvage of automobiles; dealers in second-hand merchandise; hawkers and peddlers; employment agencies; itinerant vendors; public automobiles; taxicabs and motor buses; public wagons and trucks; amusements; exhibitions and performances; theaters; moving picture houses; inns; victualers; pawnbrokers; lodging houses of 4 lodging rooms or more; public shooting galleries; the manufacture, storage, sale, disposition and use of fireworks; dance halls; circuses; and the erection of signs, flags, banners, awnings, marquees and all other things within the limits of the sidewalks, roads, ways and streets of said town, and no such objects placed within said limits in accordance with such ordinances shall be deemed defects in such sidewalks, roads, ways and streets.

V. Inquire into the conduct of any office, department or agency of the town and make investigation as to municipal affairs;

VI. Adopt plats;

VII. Adopt and modify the official map of the town;

VIII. 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;

IX. Adopt, modify and carry out plans proposed by the planning board for the clearance of slum districts and rehabilitation of blighted areas;

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

XI. Recommend the annual budget to the town meeting;

XII. Provide for an annual audit.

Sec. 206. Compensation. Councilmen shall receive \$10 for each council meeting upon attendance, not to exceed in the aggregate \$300 per year in full for their services. Such compensation may be changed by ordinance. The town council by order shall fix the salaries of officials appointed by the town council, including the salary of the town manager for his services as such and for all other services rendered by him. Salaries of the appointees of the town manager shall be fixed by the town manager.

Sec. 207. Induction of council into office. The town council shall meet at the usual place for holding meetings at 8 p.m. on the 3rd Monday in March following the regular town election, and at said meeting councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the town clerk.

Sec. 208. Forfeiture of office. Any member of the council who shall be convicted of a felony, or of a misdemeanor involving moral turpitude while in office shall, after due notice and hearing before the council and the production of records of such conviction, forfeit his office.

Sec. 209. Regular meetings. The town council shall, at its first meeting or as soon thereafter as possible, establish by 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 town council shall be open to the public in accordance with the Revised Statutes of Maine.

Sec. 210. 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 council 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 council, 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. In the temporary absence or disability of the chairman, the town council may elect a chairman pro tempore, from among its members and he shall exercise all the powers of chairman during such temporary absence or disability of the chairman.

Sec. 211. Quorum. A majority of the town 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. At least 24 hours' notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

Sec. 212. Vacancies in council. If a seat in the council becomes vacant more than 6 months prior to the next regular town election, the vacancy shall be filled for the unexpired term within 60 days from the date that the vacancy occurred by a special election, the warrant for which shall, upon vote of the town council, be issued by a member of the town council, by vote designated for that duty.

Sec. 213. Rules of procedure; journal. The council shall determine its own rules and order of business. It shall keep a record of its proceedings and the record shall be open to public inspection.

Sec. 214. Public hearing on ordinances. At least one public hearing, notice of which shall be given at least 7 days in advance by publication in a newspaper having a circulation in said town and by posting a notice in a public place, shall be held by the council before any ordinance shall be passed. The passage of such ordinance shall not be effective until 30 days after such publication.

Sec. 215. Town clerk. In addition to the statutory duties required of the town clerk, the town clerk shall act as clerk of the council and shall keep a public record of all proceedings of the council, including all votes.

Sec. 216. Independent annual audit. Prior to the end of each fiscal year, the council shall designate the State Department of Audit or private certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the town government and shall submit their report to the council, the town meeting and the town manager. Such accountants shall not maintain any accounts or records of the town business, but shall post-audit the books and documents and any separate or subordinate accounts kept by any officer, office, department or agency of the town government.

Article III

Town Manager

Sec. 301. Appointment; qualifications; powers and duties. The council shall appoint a town manager. He shall be chosen solely on the basis of his character and his executive and administrative qualifications, and may or may not be a resident of the Town of Skowhegan or of the State of Maine at the time of his appointment. No councilman shall receive appointment to the office of town manager during the term for which he shall have been elected, nor within one year after the expiration of his term, nor shall any member of the town council act in that capacity. The town manager shall give bond for the faithful discharge of his duties to the Town of Skowhegan in such sum as the town council shall determine and direct, and with surety or sureties to be approved by the town council. The premium on his bond shall be paid by the town. He shall be the administrative head of the town and shall be responsible to the town council for the administration of all departments assigned to him. His powers and duties shall be as follows:

I. Appoint, prescribe the duties of and, when necessary for the good of the service, remove all officers and employees of the town appointed by him, 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.

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

III. Prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the town for the preceding year, and cause such annual town report to be published and made available to the public as promptly as possible after the close of the fiscal year.

IV. Attend the meetings of the council, except when his removal is being considered, and keep the council advised of the financial condition and future needs of the town and make such recommendations as may seem to him desirable.

V. See that all laws and ordinances governing the town are faithfully administered.

VI. Act as purchasing agent for all departments of the town, except the school department, and provide, in the case of the school department, for cooperative purchasing arrangements where feasible.

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

VIII. Prepare an administrative code, submit it to the council and be responsible for its administration after adoption.

Sec. 302. Removal of town manager. The council shall appoint the 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 reasons 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 council shall cause to be paid to the manager forthwith any unpaid balance of his salary and his salary for the next 2 calendar months.

Sec. 303. Department heads. All statutory officers and department heads other than the town clerk and town treasurer and those listed in Article II, section 205, subsections I and II, shall be appointed by the town manager, subject to confirmation by the town council.

Sec. 304. 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 manager or by any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager, and neither the council nor any member thereof shall give orders to any subordinates of the manager, either publicly or privately.

Sec. 305. Absence of town manager. To perform his duties during his temporary absence, the manager may, with the consent of the council, designate by letter filed with the town clerk a qualified administrative officer of the town. In the event of failure of the manager to make such designation, the council may by resolution appoint any administrative officer of the town to perform the duties of the manager until he shall return.

Sec. 306. Vacancy in office of town manager. During any vacancy in the office of town manager, or disability of the town manager, the town council

shall designate a properly qualified person to perform the duties of manager and fix his compensation. While so acting, he shall have the same powers and duties as those given to and imposed on the town manager. Before entering his duties, he shall give bond to the Town of Skowhegan in a sum and with surety or sureties to be approved by the town council. The premium on said bond is to be paid by the town.

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

Schools and Education

Sec. 401. Powers vested in School Administrative District. All matters pertaining to schools and education in the Town of Skowhegan being now vested in a School Administrative District, this charter and its provisions shall in no way be construed as to grant to the town or the town council any powers or duties inconsistent with the statutes and regulations governing School Administrative Districts. Nothing herein, however, shall prevent or restrict the town, town council or town manager from entering into any cooperative purchasing or other arrangements, where feasible, with the School Administrative District.

Sec. 402. Election of directors of School Administrative District. The directors of the School Administrative District from the Town of Skowhegan shall be nominated and elected as provided by law and by Article VIII of this charter.

Article V

Budget

Sec. 501. Fiscal year. The fiscal year of the town government shall begin the first day of January and shall end on the 31st day of December 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 35 days prior to the beginning of each budget year, shall submit to the council a budget and an explanatory budget message. The budget authority of the council shall be limited to the final determination of the total appropriation to be made to each of the several offices, departments and agencies of the town. 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:

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

II. An itemized statement of appropriations recommended for current expenses, and for permanent improvements; with comparative statements

in parallel columns of estimated expenditures for the current year and actual expenditures for the next preceding fiscal year. An increase or decrease in any item shall be indicated;

III. An itemized statement of estimated revenue from all sources, other than taxation; and a statement of taxes required, comparative figures from current and next preceding year;

IV. Such other information as may be required by the town council.

The proposed budget prepared by the manager shall be reviewed by the town council, which shall approve the budget with or without amendments. The budget as approved by the town council shall be published and the town council shall fix the time and place for holding a public hearing for the budget, and shall give a public notice of such hearing. The council shall then review the budget and recommend it, with or without change, to the annual town meeting.

Sec. 503. Budget establishes appropriations. From the date of adoption of the budget, the several amounts stated therein as proposed appropriations shall be and become appropriated to the several agencies and purposes therein named.

Sec. 504. Budget establishes amount to be raised by property tax; certification to town assessor. From the date of adoption 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 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 taxpayers a simple and clear summary of the detailed estimates of the budget.

Sec. 506. Expenditures and departmental revenue. The budget for all departments shall include all proposed expenditures; and the town meeting shall make a gross appropriation for each department for the ensuing municipal year. The gross appropriation for each department shall not be exceeded except by consent of the council and subject to the provisions of section 902.

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 for the year, which program shall show the requested allotments of appropriations for such office, department or agency, by stated periods, for the entire budget year. The town manager shall review the requested allotments of appropriations for such office, department or agency, by stated 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 or 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. At the request of the manager and within the last 3 months of the budget year, the council may by resolution transfer any unencumbered appropriation balance or portion thereof between general classification of expenditures within an office.

Sec. 509. Interim expenditures. In the period between the beginning of the fiscal year and the appropriation of funds, the council may authorize expenditures for current departmental expenses chargeable to the appropriations for the year, when made, in amounts sufficient to cover the necessary expenses of the various departments.

Article VI

Tax Administration

Sec. 601. Assessor. There shall be established a division of assessment, the head of which shall be the town assessor. The assessor, appointed as hereinbefore provided, shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the State may exercise, and may now or hereafter be subject to, under the laws of the State.

Sec. 602. Board of assessment review; appointments; vacancies. There shall be a board of assessment review to consist of 3 members who shall be appointed by the town council for a term of 3 years, except that of those first appointed one shall be for a term of 2 years and one for a term of one year. Compensation, if any, to such members shall be determined by the town council. Vacancies in the membership of such board shall be filled by appointment by the council for the unexpired term.

Sec. 603. Board of assessment review; powers and duties. The board of assessment review shall have the power to:

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

Article VII

Municipal Development

Sec. 701. Planning board. There shall be a town planning board which shall be appointed, have such powers and perform such duties as are provided by the laws of the State of Maine.

Sec. 702. Zoning ordinance. There shall be a zoning ordinance as provided by state laws.

Sec. 703. Zoning board of appeals. There shall be a zoning board of appeals which shall be appointed, have such powers and perform such duties as are provided by the laws of the State of Maine.

Article VIII

Nominations and Elections

Sec. 801. Municipal elections. The regular election for the choice of members of the town council, town clerk, town treasurer and directors of the School Administrative District shall be held on the 2nd Saturday in March of each year. The council may, by resolution, order special elections at any time to fill vacancies in the town council as provided in section 212, or to fill vacancies in the offices of town clerk and town treasurer. Vacancies in directors of the School Administrative District shall be filled as provided by law.

Sec. 802. Nomination. Any qualified voter of the town may be nominated for the town council, town clerk, town treasurer and director of the School Administrative District, in accordance with the laws of the State of Maine.

Sec. 803. 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 relative to preparation for, conducting and management of municipal elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter.

Sec. 804. Voting places. Voting places for municipal elections shall be those which have been established for state elections.

Sec. 805. Election officials. The town council shall, 10 days before any election, appoint a warden and a clerk, in addition to the regular ballot clerks, for each voting place.

Article IX

The Town Meeting

Sec. 901. 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 the 2nd Saturday in March; special town meetings may be called by the council; all in accordance with the provisions of the statutes of the State of Maine.

Sec. 902. When action by town meeting required. The annual budget, any appropriation of \$2,000 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. The town meeting shall

not increase the amount of any appropriation above the amount recommended by the council or make any appropriations not recommended by the council and shall not increase the amount of any bond issue above the amount recommended by the council.

Sec. 903. Application. The provisions of this Article shall not apply to any appointments of officers, of members of commissions or of boards made by the town council, or to the appointment or designation of officers of the town council, or to rules governing the procedure of the town council.

Sec. 904. Method of abolishing the town meeting. At any time within 5 years of the date of adoption of this charter, not less than 10% of the registered voters of the town 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 special town election the proposition of abolishing the town meeting. The council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk, and shall within 14 days after said public hearing call a special town meeting for the purpose of submitting to a referendum vote the question of abolishing the town meeting in the Town of Skowhegan.

If at such special election a majority of the voters of the town voting on the question shall vote for the abolition of the town meeting of the Town of Skowhegan, the powers heretofore vested in the town meeting shall be conferred upon and exercised by the town council. Notwithstanding any of the provisions of this section, no special town meeting and special election to vote upon the question of abolishing the town meeting shall be called or held within 30 days of the date of the annual town meeting.

Article X

Initiative and Referendum

Sec. 1001. Petition for overrule of action of council. All ordinances, resolutions or votes, except those making appointments or removals or regulating exclusively the internal procedure of the council, shall be subject to overrule by a referendum as follows:

If, within 10 days after the publication of any such ordinance, resolution or vote, a petition signed by not less than 10% of the registered voters of the Town of Skowhegan is filed with the town clerk requesting its reference to a referendum, the council shall fix the time and place of such referendum, which shall be within 14 days after the filing of the petition, and notice thereof shall be given in the manner provided by laws for the calling of a referendum. An ordinance, resolution or vote so referred shall take effect upon the conclusion of such meeting, provided a majority of those voting thereon shall have voted in the affirmative.

Sec. 1002. Petition for enactment of ordinances. Subject to the provisions of section 1001, not less than 5% of the registered voters of the town may at any time petition for enactment of any proposed lawful ordinance as follows:

Not less than 5% of the registered voters of the town 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 ordi-

nance, with the town clerk. The council shall call a referendum, to be held within 30 days from the date of such filing, unless prior to such meeting such ordinance shall be enacted by the council. The call for such referendum shall state the proposed ordinance in full and notice thereof shall be given in the manner provided by laws for the calling of a referendum. Such ordinance shall take effect on the 10th day after the conclusion of such referendum, provided that 10% of the electors, constituting a majority of those voting thereon, shall have voted in the affirmative for the enactment of the proposed ordinance.

Any such proposed ordinance shall be examined by the town attorney before being submitted to referendum. The town attorney is authorized to correct the form of such proposed 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 he shall not materially change its meaning and effect.

Sec. 1003. Petition for submission of amendments of charter to the Legislature. Not less than 200 registered voters of the town may at any time petition over their personal signatures, for the submission of an amendment to this charter to the next regular session of the Legislature by filing such petition at least 90 days prior to the next regular session of the Legislature, including the complete text of such amendment, with the town clerk. The council shall call a referendum to be held at least 60 days prior to the opening of the next regular session of the Legislature. The proposed amendment shall be submitted to the next regular session of the Legislature, provided that a majority of those voting thereon shall have voted in the affirmative.

Sec. 1004. Form of ballot. The form of the ballot for a referred or proposed ordinance, resolution, vote or charter amendment shall be substantially as follows:

“Shall the proposed ordinance (resolution, vote, or charter amendment) a copy of which is printed herein or attached hereto, be adopted?” Provision shall be made for a “Yes” or “No” vote as to its enactment or adoption.

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 Skowhegan, inconsistent with the provisions of this charter, are repealed.

Sec. 1102. Separability clause. If any portion of this Act shall be held to be invalid, such decision shall not affect the validity of the remaining portions thereof.

Sec. 1103. Short title. This charter shall be known and may be cited as the “Council-Manager Charter of Town of Skowhegan.” The clerk shall cause it to be printed and made available to the public promptly.

Sec. 1104. Existing contracts not invalidated, unless inconsistent. All rights, actions, proceedings, prosecutions and contracts of the town or any of its de-

partments, pending or unexecuted when this charter goes into effect and not inconsistent herewith, shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Sec. 1105. Summons before town council. The clerks of the Supreme Judicial and Superior Courts may issue summons for witnesses to attend and produce books, documents and papers at any meeting of the town council for the Town of Skowhegan at which a hearing is had in any matter regarding any alleged dereliction of duty by town officers or employees, which summons shall be served as required to be sufficient in matters before the Supreme Judicial or Superior Courts. On complaint of failure to obey summons to the District Court, District 12, Somerset Division, which court is expressly given jurisdiction to hear such complaints, said District Court, if it finds failure to obey said summons to be without reasonable excuse, shall impose a fine of not less than \$10 nor more than \$100, or imprisonment for not more than 30 days, or both. All rights of appeal are to be available as exist in the general laws of the State of Maine.

Sec. 1106. Oath of office. Every elected and appointed officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk.

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

Sec. 1107. Ordinances not inconsistent continue in force. All ordinances of the Town of Skowhegan in force at the time when this charter takes effect, not inconsistent with the provisions of this charter, shall continue in force until amended or repealed.

Sec. 1108. Personnel system. A personnel policy shall be prepared by the council and enacted by ordinance which shall, subject to the provisions of this charter, provide for:

- I. The recruitment, employment, appointment and promotion of all town officers and employees, and their removal for cause.
- II. The classification of all town positions, with adequate provisions for reclassification of any position whenever warranted by changed circumstances.
- III. A wage or salary plan for all town positions.
- IV. Policies and procedures regulating reduction in force and the removal of employees.
- V. The assignment of duties and regulation of hours of work, provision for sick leave, annual leave, leave of absence and holidays.
- VI. Policies and procedures governing provisional, temporary, probationary and emergency appointments and employment.
- VII. Policies and procedures governing relationship with employee organizations.

VIII. Policy regarding in-service training programs.

IX. Policies regarding the suspension, demotion, removal, separation, discharge and promotion of officers and employees and grievance procedures in connection therewith.

X. Other practices and procedures necessary or desirable to the administration of the town personnel system, such as health and safety programs.

Sec. 1109. Continuance of present administrative officers. All persons holding administrative office at the time this charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuation of such office.

Referendum; effective date; certificate to Secretary of State. Chapter 1 of 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 Skowhegan at any regular or special election or state-wide election held before 1970. Warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said town to meet in said town, there to cast their ballots on the approval or rejection of Chapter 1 of this Act. Failure of approval by the legal voters of the Town of Skowhegan at any such election shall not prevent its submission at subsequent elections held before 1970.

The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of Chapter 1 of this Act to the following question: "Shall an Act Providing for a Council-Manager Form of Government for the Town of Skowhegan, passed by the 103rd Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. Chapter 1 of this Act shall take effect for the purpose of nominating and electing officers thereunder immediately upon its acceptance by a majority of the legal voters voting at said election, and for all other purposes Chapter 1 of this Act shall take effect immediately following the first election held under the provisions of this charter following the approval of Chapter 1 of this Act.

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

Chapter 2

P. & S. L., 1935, c. 12, § 6, amended. Section 6 of chapter 12 of the private and special laws of 1935 is amended to read as follows:

Sec. 6. Compensation. Each councillor shall receive ~~\$7~~ \$5 per diem when actually engaged in the performance of his duty as councillor, and his actual and necessary expenses incurred in the performance of his duties outside of such meetings, these expenses to be paid by the town treasurer.