

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

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THE KNOWLTON AND MCLEARY COMPANY

FARMINGTON, MAINE

1969

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE

As Passed by the One Hundred and Fourth Legislature

1969

Chapter 64

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

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

TOWN OF PITTSFIELD CHARTER

ARTICLE I

POWERS OF THE TOWN

Section 1.01. Incorporation. The inhabitants of the Town of Pittsfield 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 Pittsfield.

Section 1.02. Powers of the town. The town shall have all powers possible for a town to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter.

Section 1.03. Construction. The powers of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this article.

ARTICLE II

TOWN COUNCIL

Section 2.01. Combination at-large election and nomination by districts.

(a) Composition. There shall be a town council of 7 members. Three to be known as councilmen at-large, shall be nominated and elected by the qualified voters of the town at-large. The other 4 shall be known as district councilmen. They shall be nominated by the qualified voters of their respective districts, as provided in Article VII, and one shall be elected from each district by the qualified voters of the town at-large.

(b) Eligibility. Only qualified voters of the town shall be eligible to hold the office of councilmen.

(c) Election and terms. At the first election under this charter, all 7 councilmen shall be elected. The district councilmen from districts number one and 4 and the councilman at-large who received the greatest number of votes cast for councilman at-large, shall serve for terms of 3 years. The district councilman from district number 2 and the councilman at-large who received the next greatest number of votes cast for councilman at-large shall serve for terms of 2 years. The other councilmen shall serve for terms of one year. Thereafter, regular elections of councilmen to fill the positions of those whose terms expire shall be held on the first Tuesday following a Monday in November of each year, and all councilmen shall be elected for a term of 3

years. The terms of councilmen shall begin the 2nd Monday of January following their election and upon their induction.

(d) **Induction.** Prior to the beginning of their terms, all councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the town clerk.

Section 2.02. Compensation; expenses. The council may determine the annual salary of councilmen by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of councilmen elected at the next regular election, provided that such election follows the adoption of such ordinance by at least 6 months. Councilmen shall receive their actual and necessary expenses incurred in the performance of their duties of office. Initially councilmen shall be paid \$10 per meeting not to exceed \$300 per year.

Section 2.03. Mayor. The council shall elect from among its members officers of the town who shall have the titles of mayor and deputy mayor, each of whom shall serve at the pleasure of the council. The mayor shall preside at meetings of the council, shall be recognized as head of the town government for all ceremonial purposes and by the Governor for purposes of military law but shall have no administrative duties. The deputy mayor shall act as mayor during the absence or disability of the mayor.

Section 2.04. General powers and duties. All powers of the town shall be vested in the council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the town by law.

Section 2.05. Prohibitions.

(a) **Holding other office.** Except where authorized by law, no councilman shall hold any other town office or employment during the term for which he was elected to the council, and no former councilman shall hold any compensated appointive town office or employment until one year after the expiration of the term for which he was elected to the council.

(b) **Appointments and removals.** Neither the council nor any of its members shall in any manner dictate the appointment or removal of any town administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

(c) **Interference with administration.** Except for the purpose of inquiries and investigations under section 2.09, the council or its members shall deal with town officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 2.06. Vacancies; forfeiture of office; filling of vacancies.

(a) **Vacancies.** The office of a councilman shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office.

(b) **Forfeiture of office.** A councilman shall forfeit his office if he (1) lacks at any time during his term of office any qualifications for the office prescribed by this charter or by law, (2) violates any express prohibition of this charter, (3) sustains a final conviction of a felony, or (4) fails to attend 3 consecutive regular meetings of the council without being excused by the council.

(c) **Filling of vacancies.** If a seat in the town council becomes vacant more than 6 months prior to the next regular election, the council shall call a special election to fill the unexpired term within 60 days from the date that the vacancy occurred. If a seat in the council becomes vacant less than 6 months prior to the next regular election, the vacancy shall be filled for the remainder of the unexpired term at the regular election. In any case, the council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office.

Section 2.07. Judge of qualifications. The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the town at least one week in advance of the hearing. Decisions made by the council under this section shall be subject to review by the courts.

Section 2.08. Town clerk. The town clerk shall act as clerk of the town council, and shall keep a record of all proceedings of the council, including all roll-call votes.

Section 2.09. Investigations. The council may make investigations into the affairs of the town and the conduct of any town department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be guilty of a misdemeanor and punishable by a fine of not more than \$100, or by imprisonment for not more than 6 months, or by both.

Section 2.10. Independent annual audit. Prior to the end of each fiscal year, the town council shall designate the State Department of Audit or 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 and to the town manager. Such accountants shall not maintain any accounts or records of the town business, but 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.

Section 2.11. Procedure.

(a) **Meetings.** The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of 4 or more members and, whenever practicable, upon no less than 12 hours' notice to each member. All meetings shall be public. However, the council may recess for the purpose of discussing in a closed or executive session limited to its own membership any matter which would tend to defame or prejudice the character or reputation of any person, provided that the general subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the council until the matter is placed on the agenda.

(b) **Rules and journal.** The council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

(c) **Voting.** Voting, except on procedural motions, shall be by roll-call and the ayes and nays shall be recorded in the journal. Four members of the council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as otherwise provided in the preceding sentence and in section 2.06, shall be valid or binding unless adopted by the affirmative vote of 4 or more members of the council.

Section 2.12. Ordinances, orders and resolves. The council shall act only by ordinance, order or resolve. All ordinances, orders and resolves, except orders or resolves making appropriations of money, shall be confined to one subject which shall be clearly expressed in the title. All appropriation orders or resolves shall be confined to the subject of appropriations only.

In addition to other acts required by law or by specific provisions of this charter to be done by ordinance, these acts of the town council shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish, alter or abolish any town department, office or agency.
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
- (3) Levy taxes, except as otherwise provided in Article V with respect to the property tax levied by adoption of the budget.
- (4) Grant, renew or extend a franchise.
- (5) Authorize the borrowing of money.
- (6) Convey or lease or authorize the conveyance or lease of any lands of the town.
- (7) Adopt with or without amendment ordinances proposed under the initiative power.

(8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article VIII with respect to repeal of ordinances reconsidered under the referendum power.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

Section 2.13. Ordinances in general.

(a) **Form.** Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The Town of Pittsfield hereby ordains _____". Any ordinance which repeals or amends an existing ordinance or part of the town code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by ~~strikeout~~ type and shall indicate new matter by underscoring or by italics.

(b) **Procedure.** An ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the town clerk shall distribute a copy to each council member and to the manager; shall file a reasonable number of copies in the office of the town clerk and such other public places as the council may designate, and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least 7 days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or reject it but, if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance. As soon as practicable after adoption of any ordinance, the clerk shall have it published again together with a notice of its adoption.

(c) **Effective date.** Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein.

(d) **"Publish" defined.** As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the town: (1) the ordinance or a brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection.

Section 2.14. Emergency ordinances. To meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money except as provided in subsection 5.09 (b). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be

adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least 5 members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance, except one made pursuant to subsection 5.09 (b), shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Section 2.15. Codes of technical regulations. The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be prescribed for ordinances generally except that:

(1) The requirements of section 2.13 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and

(2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the town clerk pursuant to subsection 2.16 (a).

Copies of any adopted code of technical regulations shall be made available by the town clerk for distribution or for purchase at a reasonable price.

Section 2.16. Authentication and recording; codification; printing.

(a) **Authentication and recording.** The town clerk shall authenticate by his signature and record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the council.

(b) **Codification.** Within 3 years after adoption of this charter and at least every 10 years thereafter, the council shall provide for the preparation of a general codification of all town ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly in bound or loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Maine and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Pittsfield Town Code. Copies of the code shall be furnished to town officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.

(c) **Printing of ordinances and resolutions.** The council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the council. Following publication of the first Pittsfield Town Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in

substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the State of Maine, or the codes of technical regulations and other rules and regulations included in the code.

ARTICLE III

TOWN MANAGER

Section 3.01. Appointment; qualifications; compensation. The council shall appoint a town manager for an indefinite term and fix his compensation. The manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the town or state at the time of his appointment but may reside outside the town while in office only with the approval of the council.

Section 3.02. Removal of town manager. The town council may remove the town manager for cause by a majority vote of its members. (1) The council shall file with the town clerk a written preliminary resolution setting forth the specific reasons for the proposed removal, a copy of which shall be delivered to the manager within 10 days of its filing with the town clerk. (2) The manager may within 20 days of receiving the resolution reply in writing and may request a public hearing, which shall be held by the council not earlier than 10 days after the request, if filed, nor later than 30 days after the request. (3) After the public hearing or at the expiration of the time permitted the manager to request the public hearing, if no such request is made, the council may by a majority vote adopt or reject the resolution of removal. (4) The council may suspend the manager from duty in its preliminary written resolution, but in no event shall the manager's salary be affected until the final resolution of removal has been adopted.

Section 3.03. Absence of town manager. By letter filed with the town clerk the manager shall designate, subject to approval of the town council, a qualified town administrative officer to exercise the powers and perform the duties of manager during his temporary absence or disability. During such absence or disability, the council may revoke such designation at any time and appoint another officer of the town to serve until the manager shall return or his disability shall cease. In the event of failure of the manager to make such designation and during his temporary absence or disability, the council may by resolution appoint any administrative officer of the town to perform the duties of the manager.

Section 3.04. Powers and duties of the town manager. The town manager shall be the chief administrative officer of the town. He shall be responsible to the town council for the administration of all town affairs placed in his charge by or under this charter. He shall have the following powers and duties:

(1) He shall direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this charter or by law.

(2) He shall attend council meetings, except when his removal is being considered, and shall have the right to take part in discussions but may not vote.

(3) He shall see that all laws, provisions of this charter and acts of the council, subject to his direction and supervision, are faithfully executed.

(4) He shall prepare and submit the annual budget and capital program to the council.

(5) He shall submit to the council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year.

(6) He shall make such other reports as the council may require concerning the operations of town departments, offices and agencies subject to his direction and supervision.

(7) He shall keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as he deems desirable.

(8) He shall prepare an administrative code or amendments to an existing administrative code as required, to be proposed to the council, and the council may by ordinance adopt them with or without amendment.

(9) He, or an official designated by him, shall assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices.

(10) He shall perform such other duties as are specified in this charter or may be required by the council.

ARTICLE IV

ADMINISTRATIVE DEPARTMENTS

Section 4.01. General provisions.

(a) **Creation of departments.** The council may by ordinance establish town departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this charter to a particular department, office or agency may be discontinued or, unless this charter specifically so provides, assigned to any other.

(b) **Appointments.** The following officers and boards shall be appointed by ballot by a majority vote of the members of the town council: town manager, town attorney, board of assessment review, planning board, board of appeals and other boards when such appointment is required by state statute or municipal ordinance. The council may, where appropriate, vest in the town manager all or part of the duties of any office.

The town manager shall appoint the planning director, the town clerk, treasurer, tax collector, town assessor and department heads subject to the confirmation of the town council, and shall have the power to remove such appointees when necessary. He shall appoint and remove all other administrative officers and town employees, except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office and except as otherwise provided in this charter or by ordinance.

Section 4.02. Personnel system.

(a) **Merit principle.** All appointments and promotions of town officers and employees, subject to the direction and supervision of the manager, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

(b) **Personnel director.** The town manager or his appointee shall be the personnel director.

(c) **Personnel appeals board.** There shall be a personnel appeals board consisting of 3 members appointed by the town council from among the qualified voters of the town. The first appointments to this board shall be made in the following manner: One member for 3 years, one member for 2 years and one member for one year. All succeeding appointments shall be made for terms of 3 years.

(d) **Personnel rules.** The town manager or his appointee after consultation with a representative of all employees shall prepare personnel rules. The town manager shall submit such rules to the council which the council shall adopt by ordinance with or without amendment. These rules shall provide for:

- (1) The classification of all town positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
- (2) A pay plan for all town positions;
- (3) Methods for determining the merit and fitness of candidates for appointment or promotion, demotion or dismissal;
- (4) The policies and procedures regulating reduction in force and removal of employees;
- (5) A retention and retirement plan for town employees;
- (6) The hours of work, attendance regulations and provisions for sick and vacation leave;
- (7) The policies and procedures governing persons holding provisional appointments;
- (8) The policies and procedures governing relationships with employee organizations;

(9) Policies regarding in-service training programs ;

(10) Grievance procedures, including procedures for the hearing of grievances by the personnel appeals board, which may render advisory opinions based on its findings to the town manager with a copy to the aggrieved employee ; and

(11) Other practices and procedures necessary to the administration of the town personnel system.

Section 4.03. Legal officer. There shall be a legal officer of the town, appointed by the council as provided in section 4.01, who shall serve as chief legal adviser to the council, the manager and all town departments, offices and agencies, shall represent the town in all legal proceedings and shall perform any other duties prescribed by this charter or by ordinance.

Section 4.04. Oath of office. Every 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 Pittsfield, and will faithfully discharge the duties of the office of _____."

ARTICLE V

FINANCIAL PROCEDURES

Section 5.01. Fiscal year. The fiscal year of the town shall begin on the first day of January and end on the last day of December.

Section 5.02. Submission of budget and budget message. On or before the fifteenth day of November of each year, the manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message.

Section 5.03. Budget message. The manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position and include such other material as the manager deems desirable.

Section 5.04. Budget. The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the manager deems desirable or the council may require. In organizing the budget, the manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all

estimated revenue, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. Revenue shall not include those additions to assets which (a) increase any liability, (b) represent the recovery of an expenditure, (c) represent the cancellation of certain liabilities without a corresponding increase in other liabilities or a decrease in assets. It shall indicate in separate sections:

- (1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;
- (2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure.

The total of proposed expenditures shall not exceed the total of estimated income.

Section 5.05. Council action on budget.

(a) **Notice and hearing.** The council shall publish in one or more newspapers of general circulation in the town the general summary of the budget and a notice stating:

- (1) The times and places where copies of the message and budget are available for inspection by the public, and
- (2) The time and place, not less than 2 weeks after such publication, for a public hearing on the budget.

(b) **Amendment before adoption.** After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated revenue.

(c) **Adoption.** The council shall adopt the budget on or before the last day of the last month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the council adopts a budget for the ensuing fiscal year.

From the date of adoption of the budget, the amount 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.

Section 5.06. Capital program.

(a) **Submission to council.** The manager shall prepare and submit to the council a 5-year capital program at least 3 months prior to the final date for submission of the budget.

(b) **Contents.** The capital program shall include :

(1) A clear general summary of its contents ;

(2) A list of all capital improvements which are proposed to be undertaken during the 5 fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements ;

(3) Cost estimates, method of financing and recommended time schedules for each such improvement ; and

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 5.07. Council action on capital program.

(a) **Notice and hearing.** The council shall publish in one or more newspapers of general circulation in the town the general summary of the capital program and a notice stating :

(1) The times and places where copies of the capital program are available for inspection by the public, and

(2) The time and place, not less than 2 weeks after such publication, for a public hearing on the capital program.

(b) **Adoption.** The council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the 15th day of the 10th month of the current fiscal year.

Section 5.08. Public records. Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the town.

Section 5.09. Amendments after adoption.

(a) **Supplemental appropriations.** If during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(b) **Emergency appropriations.** To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appro-

priations. Such appropriations may be made by emergency ordinance in accordance with the provisions of section 2.04. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(c) **Reduction of appropriations.** If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(d) **Transfer of appropriations.** At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the manager, the council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

(e) **Limitations; effective date.** No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 5.10. Administration of budget.

(a) **Work programs and allotments.** At such time as the manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to section 5.09.

(b) **Payments and obligations prohibited.** No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he shall also be liable to the town for any amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital im-

provements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

Section 5.11. Lapse of appropriations. Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if 3 years pass without any disbursement from or encumbrance of the appropriation.

Section 5.12. Interim expenditures. In the period between the end of the fiscal year and the adoption of the budget, the amounts appropriated for current operations of the prior fiscal year shall be deemed adopted for the new fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the budget for the new fiscal year is adopted.

ARTICLE VI

SPECIAL ADMINISTRATION

Section 6.01. Planning director. There shall be a planning department headed by a director who shall be appointed by the manager as provided in section 4.01. The planning director shall have the following responsibilities:

- (1) To advise the town manager on any matter affecting the physical development of the town;
- (2) To formulate and recommend to the town manager a comprehensive plan and modifications thereof;
- (3) To review and make recommendations regarding proposed council action implementing the comprehensive plan pursuant to section 6.04;
- (4) To participate in the preparation and revision of the capital program provided for in section 5.06; and
- (5) To advise the town planning board in the exercise of its responsibilities and in connection therewith to provide necessary staff assistance.

Section 6.02. 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.

Section 6.03. Implementation of the comprehensive plan. The council shall by ordinance adopt land use and development regulations, including but not limited to zoning and subdivision regulations.

Section 6.04. Board of appeals.

(a) **Composition and terms.** There shall be a board of appeals composed of 7 members and one associate member. The term of office shall be 5 years; except that initial appointments shall be 2 for 5 years, 2 for 4 years, one for 3 years, one for 2 years, one for one year and the associate member for 3 years. When a member is unable to act because of interest, physical incapacity or absence for any other reason the associate member shall serve in his stead.

(b) **Jurisdiction.** The board of appeals shall act as the zoning board of appeals and have the same powers and duties as prescribed by the laws of the State of Maine for such boards. In addition, the board of appeals shall have the jurisdiction to hear appeals that may arise under the Housing Code, Building Code or any other regulatory ordinance enacted pursuant to this charter or the laws of the State of Maine, which provide therein for such appeals.

(c) **Appeals.** An appeal may be taken from any decision of the board of appeals to the Superior Court.

Section 6.05. Tax administration.

(a) **Division of assessment.** There shall be established a division of assessment, the head of which shall be the town assessor. The assessor 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 of Maine.

(b) **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. The majority of the whole number of the board shall be a quorum and they shall elect their own chairman. Vacancies in the membership of such a board shall be filled by appointment by the council for the unexpired term.

(c) **Board of assessment review, powers, duties.** The board of assessment review shall have the powers and duties conferred upon such boards by the laws of the State of Maine.

ARTICLE VII

NOMINATIONS AND ELECTIONS

Section 7.01. Town elections.

(a) **Regular elections.** The regular town election shall be held on the first Tuesday following a Monday of November in each year.

(b) **Qualified voters.** All citizens qualified by the Constitution and laws of the State of Maine to vote in the town and who satisfy the requirements for

registration prescribed by law shall be qualified voters of the town within the meaning of this charter.

(c) **Election provisions.** Provisions of the laws of the State of Maine relating to the qualifications of voters, registration, the manner of voting, the duties of election officers, and all other particulars respective to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter.

Section 7.02. Nomination. Any qualified voter of the town may be nominated for an elective office in accordance with the laws of Maine, except that district councilmen must be residents of their districts.

Section 7.03. Council ballots.

(1) The full names of all candidates nominated for membership at-large in the town council, except those who have withdrawn, died or become ineligible, shall be printed on the official ballots without party designation or symbol under a heading reading: "Nominees for councilman-at-large."

(2) The full names of all candidates nominated for membership as district councilman in the council, except those who have withdrawn, died or become ineligible, shall be printed on the official ballots without party designation or symbol under the separate heading reading "Nominees for district councilman".

(3) If 2 or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot.

Section 7.04. Council districts; adjustment of districts.

(a) **Number of districts.** There shall be 4 town council districts.

(b) **Districing commission.** The council shall appoint 5 qualified voters, determined from the registration for the last statewide general election, who shall comprise the districing commission. The voters chosen shall not be employed by the town in any other capacity.

(c) **Report; specifications.** By the first day of May of every 10th year from the adoption of this charter, the districing commission shall file with the town clerk a report containing a recommended plan for adjustment of the council district boundaries to comply with these specifications:

(1) Each district shall be formed of compact, contiguous territory, as nearly rectangular as possible, and its boundary lines shall follow the center lines of streets, highways, railroads or rivers.

(2) Each district shall contain as nearly as possible the same number of qualified voters, determined from the registration for the last state-wide general election, but districts shall not differ in population, determined by the last decennial Federal Census, by more than 10% of the persons in the smallest district created.

The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the clerk, the report shall be treated as an ordinance introduced by a council member.

(d) **Procedure.** The procedure for the council's consideration of the report shall be the same as for other ordinances, provided that if a summary of the ordinance is published it must include both the map and the description of the recommended districts.

(e) **Failure to enact ordinance.** The council shall adopt the ordinance at least 90 days before the next regular town election. If the council fails to do so by such date, all councilmen to be elected at such election shall be elected at-large and shall serve as councilmen at-large until their terms of office expire. After such an election at-large, the districting commission shall reconvene and adjust the district boundaries in accordance with the specifications, requirements and procedures earlier provided in this section, except that the ordinance shall be enacted at least 90 days before the next regular town election following such election at-large.

(f) **Effect of enactment.** The new council districts and boundaries, as of the date of enactment, shall supersede previous council districts and boundaries for all the purposes of the next regular town election, including nominations. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all councilmen elected at that regular town election take office.

ARTICLE VIII

INITIATIVE AND REFERENDUM

Section 8.01. General authority.

(a) **Initiative.** The qualified voters of the town shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a town election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of town officers or employees.

(b) **Referendum.** The qualified voters of the town shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a town election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

Section 8.02. Commencement of proceedings; petitioners' committee; affidavit.

Any 5 qualified voters may commence initiative or referendum proceedings by filing with the town clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the clerk shall issue the appropriate petition blanks to the petitioners' committee.

Section 8.03. Petitions.

(a) **Number of signatures.** Initiative and referendum petitions must be signed by qualified voters of the town equal in number to at least 15% of the total number of qualified voters registered to vote at the last town election.

(b) **Form and content.** All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) **Affidavit of circulator.** Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) **Time for filing referendum petitions.** Referendum petitions must be filed within 30 days after adoption by the council of the ordinance sought to be reconsidered.

Section 8.04. Procedure after filing.

(a) **Certificate of clerk; amendment.** Within 20 days after the petition is filed, the town clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within 2 days after receiving the copy of his certificate and files a supplementary petition upon additional papers within 10 days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 8.03, and within 5 days after it is filed, the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section within the time required, the clerk shall promptly present his certificate to the council and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) **Council review.** If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within 2 days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next

meeting following the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.

(c) **Court review; new petition.** A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Section 8.05. Referendum petitions; suspension of effect of ordinance.

When a referendum petition is filed with the town clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition, or
- (2) The petitioners' committee withdraws the petition, or
- (3) The council repeals the ordinance, or
- (4) Thirty days have elapsed after a vote of the town on the ordinance.

Section 8.06. Action on petitions.

(a) **Action by council.** When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided in Article II or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the town.

(b) **Submission of voters.** The vote of the town on a proposed or referred ordinance shall be held not less than 30 days and not later than one year from the date of the final council vote thereon. If no regular town election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) **Form of ballot.** The form of the ballot for the proposed ordinance, or repeal of such ordinance, order or resolve, shall be substantially as follows:

"Shall the ordinance, order or resolve entitled '_____
_____' be repealed? (or adopted?)"

YES
☐

NO
☐

(The voters shall indicate their choice by a cross or check mark placed in the appropriate box under the words YES or NO.)

(d) **Withdrawal of petitions.** An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the town by filing with the town clerk a request for withdrawal signed by at least 4 members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 8.07. Results of election.

(a) **Initiative.** If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) **Referendum.** If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

ARTICLE IX

GENERAL PROVISIONS

Section 9.01. Personal financial interests. Any town officer or employee who has substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the town or in the sale of any land, material, supplies or services to the town or to a contractor supplying the town shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a town officer or employee in the making of such sale or in the making or performance of such contract. Any town officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the town shall render the contract or sale voidable by the town manager or the town council.

Section 9.02. Prohibitions.

(a) **Activities prohibited.**

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any town position or appointive town administrative office because of race, sex, political or religious opinions or affiliations.

(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any town position or appointive town administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.

(4) No person shall orally, by letter or otherwise, solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding any compensated appointive town position.

(5) No person who holds any compensated appointive town position shall make, solicit or receive 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, but he may exercise his rights as a citizen to express his opinions and to cast his vote.

(b) Penalties. Any person who by himself or with others willfully violates any of the provisions of paragraphs (1) through (4) shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$100 or by imprisonment for not more than 30 days or both. Any person who by himself or with others willfully violates any of the provisions of paragraph (5) shall be guilty of an offense and upon conviction thereof shall be punishable by a fine of not more than \$100. Any person convicted under this section shall be ineligible for a period of 5 years thereafter to hold any town office or position and, if an officer or employee of the town, shall immediately forfeit his office or position.

Section 9.03. Limitations on administrative action. In addition to other rights preserved to the people by law, the people have the following protection against arbitrary administrative action:

(a) No person shall be bound by an administrative decision unless on a presentation of public notice; nor shall he be subject to the same official for both prosecution and adjudication; nor be deprived of liberty or property unless by a prescribed mode of procedure.

(b) In all administrative proceedings, the accused shall have the right to a speedy and public hearing by an impartial arbiter and to be informed of the nature and the cause of the accusation, to be confronted with the evidence against him, and to have the benefit of technical assistance in preparing a defense.

(c) In administrative hearings, where the amount in controversy exceeds \$20, or where a fundamental right is involved, the right to a record of the proceedings shall be preserved. Proper appellate procedure must also be provided by ordinance.

Section 9.04. Charter amendment.

(a) **Proposal of amendment.** Amendments to this charter may be framed and proposed:

- (1) In the manner provided by law ; or
- (2) By ordinance of the council containing the full text of the proposed amendment and effective upon adoption ; or
- (3) By the voters of the town ; or
- (4) By report of a charter commission created by ordinance. Proposal of an amendment by the voters of the town shall be by petition containing the full text of the proposed amendment and shall be governed by the same procedures and requirements prescribed in Article VIII for initiative petitions until such time as a final determination as to the sufficiency of the petition is made, except that there shall be no limitation as to subject matter and that the petition must be signed by qualified voters of the town equal in number to at least 20% of the total number of qualified electors registered to vote at the last regular town election. The petitioners' committee may withdraw the petition at any time before the 15th day immediately preceding the day scheduled for the town vote on the amendment.

(b) **Election.** Upon passage of an ordinance, or upon receipt of a petition finally determined sufficient, or upon receipt of the report of a charter commission, proposing an amendment pursuant to subsection (a), the town council shall submit the proposed amendment to the voters of the town at an election. Such election shall be announced by a notice containing the complete text of the proposed amendment and published in one or more newspapers of general circulation in the town at least 30 days prior to the date of election. The election shall be held not less than 60 and not more than 120 days after the adoption of the ordinance or the final determination of sufficiency of the petition or report proposing the amendment. For form of ballot see section 8.06 (c).

(c) **Adoption of amendment.** If a majority of the qualified voters of the town voting upon a proposed charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment or, if no time is therein fixed, 30 days after its adoption by the voters.

Section 9.05. Separability. If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE X

TRANSITIONAL PROVISIONS

Section 10.01. Officers and employees.

(a) **Rights and privileges preserved.** Nothing in this charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are town officers or employees at the time of its adoption.

(b) **Expiration of terms of elected officers.** The terms of present elected officers shall expire as of the commencement of the terms of officers, officials or employees in comparable positions under this charter.

(c) **Continuance of office or employment.** Except as specifically provided by this charter, if at the time this charter takes full effect a town administrative officer or employee holds any office or position which is or can be abolished by or under this charter, he shall continue in such office or position until the taking effect of some specific provision in accordance with this charter directing that he vacate the office or position.

(d) **Personnel system.** An employee holding a town position at the time this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for in section 4.02.

Section 10.02. Department, offices and agencies.

(a) **Transfer of powers.** If a town department, office or agency is abolished by this charter, the powers and duties given it by law shall be transferred to the town department, office or agency designated in this charter or, if the charter makes no provision, designated by the town council.

(b) **Property and records.** All property, records and equipment of any department, office or agency existing when this charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the council in accordance with this charter.

Section 10.03. Pending matters. All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as lawfully modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the town department, office or agency appropriate under this charter.

Section 10.04. State and municipal laws. All town ordinances, resolutions, orders and regulations which are in force when this charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of Maine permit, all laws relating to or affecting this town or its agencies, officers or employees which are in force when this charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto.

Section 10.05. Schedule.

(a) **Passage by the Legislature** This charter shall be submitted to the 104th Legislature as proposed legislation.

(b) **Acceptance by the town.** After passage by the Legislature, this charter shall take effect 90 days after adjournment of the Legislature for the sole purpose of submission to the voters of the Town of Pittsfield at any regular or special town election or state-wide election held before November, 1970. Warrants shall be issued for such election in the manner now provided by law for the municipal elections, notifying and warning the qualified voters of said town to vote on approval or rejection.

(c) **Form of ballot.** The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this Act to the following question: "Shall 'An Act to Grant a Charter to the Town of Pittsfield', passed by the 104th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the word "YES" or "NO", their opinion of the same.

(d) **Certificate to Secretary of State.** The result of the vote shall be declared by the municipal officers of the Town of Pittsfield, and due certificate of the result shall be filed with the Secretary of State by the town clerk.

(e) **Election of officers under the charter.** This Act shall take effect for the purpose of nominating and electing officers hereunder immediately upon its acceptance by a majority of voters voting at said election. The officers shall be elected on or before the Tuesday following the first Monday of November, 1970. The present municipal officers shall prepare the initial districting of the town to be approved by the town prior to the first election of officers.

(f) **Time of taking full effect.** This charter shall be in full effect for all purposes on and after the date and time of the first meeting of the newly elected council as provided in section 10.06.

Section 10.06. First council meeting.

(a) **Time, place, purpose.** On the second Monday of January 1971 following the first election of council members under this charter, the newly elected members of the council shall meet at 7:00 P.M. at the Town Hall.

(1) For the purpose of electing the mayor and deputy mayor, appointing or considering the appointment of a town manager or acting town manager, and choosing, if it so desires, one of its members to act as temporary clerk pending appointment of a town clerk.

(2) For the purpose of adopting ordinances and resolutions necessary to effect the transition of government under this charter and to maintain effective town government during that transition.

(b) **Temporary ordinances.** In adopting ordinances as provided, the council shall follow the procedure prescribed in Article II, except that after its first meeting or any meeting held within 60 days thereafter, the council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective town government. Every temporary ordinance shall be plainly labelled as such but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted with or without

amendment or rejected at the meeting at which it is introduced. After adoption of a temporary ordinance, the council shall cause it to be printed and published as prescribed for other adopted ordinances. A temporary ordinance shall become effective upon adoption or at such later time preceding automatic repeal under this subsection as it may specify, and the referendum power shall not extend to any such ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the first day following the date on which it was adopted, and it shall not be readopted, renewed or otherwise continued except by adoption in the manner prescribed in Article II for ordinances of the kind concerned.

Effective October 1, 1969

Chapter 65

AN ACT Providing for a Council-Manager Charter for the Town of Vassalboro.

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

COUNCIL-MANAGER CHARTER OF THE TOWN OF VASSALBORO

ARTICLE I

GRANT OF POWERS TO THE TOWN

Sec. 101. Incorporation; powers of the town. The inhabitants of the Town of Vassalboro shall continue to be a municipal corporation under the name of the "Town of Vassalboro" and 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 officers 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 as provided by the laws of the State of Maine.

Sec. 102. Construction. The powers of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this Article.

ARTICLE II

TOWN COUNCIL

Sec. 201. Number, eligibility, election and terms.

I. Number. There shall be a town council composed of 7 members elected by the registered voters of the town at large.