

# 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

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the One Hundred and Fourth Legislature

1969

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3. The following provisions apply to the budget meeting:

A. Each person whose name appears on the district voting list may attend and vote at a district budget meeting.

B. The president of the directors shall open the meeting by call for the election of a moderator, receiving and counting votes for a moderator and swearing in the moderator.

C. As soon as he has been elected and sworn, the moderator shall preside at the meeting and he shall have all the powers granted to the moderator of a town meeting under the Revised Statutes.

D. The secretary of the directors of the district shall record accurately all the votes of the district meeting.

E. A majority vote of the legal voters present and voting shall be determinative of any vote or motion placed before said district meeting.

**Sec. 11. Dissolution.** The district may be dissolved only if all member towns agree to dissolve it by vote of legally constituted town meetings, in each town. If the district has any outstanding indebtedness, it may not be dissolved.

If the district is dissolved, any property, real or personal or mixed, shall be liquidated and the net proceeds distributed among the respective towns in proportion to their state valuations as set out in this Act.

**Sec. 12. Other towns may join.** After the formation of the district, the inhabitants and territory within any town or plantation not originally in the district or within any town or plantation named in section 1 which failed to join the district as provided in this Act, may be included in the district by majority vote at a town meeting in said town or plantation, plus the acceptance by a majority vote at the district meeting. Such town, if admitted as a new member, must assume and pay its current share of any outstanding indebtedness.

Effective October 1, 1969

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## Chapter 69

**AN ACT to Grant a Council-Manager Charter to the Town of Lincoln.**

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

**COUNCIL-MANAGER CHARTER OF THE TOWN OF LINCOLN**

### ARTICLE I

**GRANT OF POWERS TO THE TOWN**

**Sec. 101. Incorporation ; powers of the town.**

The inhabitants of the Town of Lincoln shall continue to be a municipal corporation under the name of the Town of Lincoln 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.**

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

2. **Eligibility.** Only voters who reside in the town shall be eligible to hold office as councilmen.

3. **Election and terms.** Each member shall be elected for a term of 3 years, or until his successor is elected and qualified. However, at the first election after the adoption of this charter, 3 councilmen shall be elected and the 4 incumbent selectmen shall be sworn as councilmen and continue to serve as councilmen for the remainder of their term, or until their successors are elected and qualified.

**Sec. 202. Compensation.**

The town council may determine the annual salary of the chairman and councilmen by ordinance, but no ordinance increasing such salary shall become effective until the commencement of the term of councilmen elected at the next regular election. Salaries of councilmen shall be paid on a quarterly basis for services performed in the preceding quarter. Councilmen elected in a special election shall be paid on a pro rata basis for the time they shall actually serve. Initially annual salaries shall be \$600 for chairman and \$400 for councilmen.

**Sec. 203. Chairman.**

At its first meeting, or as soon thereafter as practicable, the town council shall elect, by majority vote of the council membership, 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 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. 204. Powers and duties.**

Except as otherwise provided by law or this charter, all powers of the town shall be vested in the town council, which shall be the general legislative body of the town. The town council shall constitute the municipal officers of the Town of Lincoln.

**Sec. 205. Prohibitions.**

Except where authorized by law, no councilman shall hold any other town office or town employment during the term for which he was elected to the town council.

Neither the council nor any of its members shall, in any manner, dictate the appointment or removal of any 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.

Except for the purpose of inquiry, the council and its members shall deal with the administrative services 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. 206. Vacancies; forfeiture of office; filling of vacancies.**

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

2. **Forfeiture of office.** A councilman shall forfeit his office upon final conviction of a felony or if he lacks at any time during his term of office any qualifications of the office prescribed by this charter or by law.

3. **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 council may call a special election.

**Sec. 207. Council to judge of qualifications of its members.**

The town council shall be the judge of the election and qualifications of its members and for such purposes shall have power to subpoena witnesses

and require productions of records, but the decision of the council in any such case shall be subject to review by the courts.

**Sec. 208. Induction of council into office.**

The town council shall meet at the usual place for holding meetings at 8:00 p.m. on the 3rd Monday in March, and at said meeting councilmen-elect shall be sworn to the faithful discharge of their duties by the town clerk or by a justice of the peace.

**Sec. 209. Regular meetings.**

The town council shall at its first meeting 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 council shall be open to the public in accordance with the laws of the State.

**Sec. 210. 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 in the manner and subject to the penalties prescribed by the rules of the council. At least 8 hours' notice of the time and place of holding such adjourned meeting shall be served on all members who were not present at the meeting from which adjournment was taken.

**Sec. 211. Town clerk.**

The town clerk or deputy 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.

**Sec. 212. Rules and procedure.**

The town council shall provide for keeping a record of its proceedings and shall determine its own rules of procedure and make lawful regulations for enforcing the same. 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. The yeas and nays shall be taken on the passage of all ordinances, orders and resolves and entered on the record of the proceedings of the council by the clerk.

Before any ordinance shall be passed, at least one public hearing shall be held by the council, 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. Every ordinance shall require on passage the affirmative vote of a majority of the members of the council. Such ordinance shall be effective 30 days after such passage, subject to the provisions of Article VIII.

Subject to provisions relating to publication and posting of notice, the council may, by vote of 5 of its members, pass emergency ordinances to take effect at the time indicated therein. Such ordinance shall contain a section in which the emergency is set forth and defined. The declaration of such emergency by the council shall be conclusive.

**Sec. 213. 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.

**ARTICLE III**

**ADMINISTRATIVE OFFICERS AND EMPLOYEES**

**Sec. 301. Titles and appointment.**

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 law or municipal ordinance. The council may, where appropriate and not prohibited by law, vest in the town manager all or part of the duties of any office.

The town manager shall appoint 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 when necessary 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.

**Sec. 302. Creation of departments.**

The town council, by ordinance, may establish, change and abolish town departments, offices or agencies, other than 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 specifically provided by this charter, assigned to any other.

**Sec. 303. Personnel system.**

1. **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.



2. **Personnel director.** The town manager or his appointee shall be the personnel director.

3. **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.

4. **Personnel rules.** The town manager or his appointee 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:

**A.** 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;

**B.** A pay plan for all town positions;

**C.** Methods for determining the merit and fitness of candidates for appointment or promotion, demotion or dismissal;

**D.** The policies and procedures regulating reduction in force and removal of employees;

**E.** A retention and retirement plan for town employees;

**F.** The hours of work, attendance regulations and provisions for sick and vacation leave;

**G.** The policies and procedures governing persons holding provisional appointments;

**H.** The policies and procedures governing relationships with employee organizations;

**I.** Policies regarding in-service training programs;

**J.** 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

**K.** Other practices and procedures necessary to the administration of the town personnel system.

## ARTICLE IV

### TOWN MANAGER

Sec. 401. **Town manager, qualifications.**

The town council shall appoint a town manager for an indefinite term and fix his compensation. The manager shall be appointed 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. No councilman shall receive such appointment 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.

**Sec. 402. Removal of town manager.**

The town council shall appoint the town manager for an indefinite term and may remove him for cause by a majority vote of its members. 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. 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 is filed nor later than 30 days after the request. After the public hearing or at the expiration of the time permitted the manager to request public hearing, if no such request is made, the council may by majority vote adopt or reject the resolution of removal. 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.

**Sec. 403. 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 enforcement by him or by officers 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 shall perform such other duties as are specified in this charter or may be required by the council.

**Sec. 404. 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, the council may by resolution appoint any administrative officer of the town to perform the duties of the manager until he shall return or his disability shall cease.

## ARTICLE V

### TAX ADMINISTRATION

**Sec. 501. Assessor.**

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.

**Sec. 502. 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 board shall be filled by appointment by the council for the unexpired term.

**Sec. 503. 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.

## ARTICLE VI

### BUDGET

#### Sec. 601. 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. The town council may by ordinance change the fiscal year to conform to general municipal practice in the State. 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. 602. 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 town 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 forms which shall be designated by the manager, and shall contain:

1. Exact statement of the financial condition of the town.
2. An itemized statement of 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.
3. 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.
4. Such other information as may be required by the council.

The proposed budget prepared by the manager shall be reviewed by the council, which shall approve the budget with or without amendments. The council shall fix the time and place for holding a public hearing on such budget, and shall give a public notice of such hearing. The council shall thereafter review the budget and adopt it, with or without change, no later than 60 days from the beginning of the fiscal year. In the event the council shall fail to adopt the budget within said 60-day period, the budget as presented by the manager shall automatically become the budget for the fiscal year.

#### Sec. 603. 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. 604. Budget establishes amount to be raised by property tax; certification to town assessor.**

From the date of adoption of the budget, the amount stated therein as the amount to be raised by property tax, together with all lawful assessments that may be imposed pursuant to the town's participation in an established School Administrative District or Hospital Administrative District, or both, 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. 605. 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. 606. Expenditures and departmental revenue.**

The budget for all departments shall include all proposed expenditures. The town council 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 803. 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. Except when prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements 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 or to prevent the council from authorizing the construction or improvement of a revenue producing facility or facilities, the issuance of revenue bonds or refunding bonds or pledging revenues from revenue producing facility or facilities under and pursuant to the general law of the State.

**Sec. 607. Transfer of appropriations.**

At the request of the manager, the council may by resolve transfer any unencumbered appropriation balance or portion thereof including surplus between the general accounts.

**Sec. 608. 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.

**Sec. 609. 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 607.

**Sec. 610. Capital program.**

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

**Sec. 611. Public hearing on capital program.**

The proposed capital program shall be reviewed by the town council, which shall approve it with or without amendments. The council shall fix the time and place for holding a public hearing on the capital program, and shall give public notice of such hearing. The council shall adopt the capital program with or without amendments after such public hearing, but nothing herein shall be deemed to prevent the authorization by the council of bonds or notes of the town to finance a capital improvement not included in the capital program.

**ARTICLE VII**

**NOMINATIONS AND ELECTIONS**

**Sec. 701. Municipal elections.**

The regular election for the choice of members of the town council, Directors of the School Administrative District and Directors of the Hospital Administrative District shall be held on the 2nd Tuesday in March.

**Sec. 702. Nomination.**

Any voter of the town may be nominated for the office of town councilman, Director of the School Administrative District or Director of the Hospital Administrative District in accordance with the laws of the State of Maine.

**Sec. 703. 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.

**ARTICLE VIII**

**REFERENDUM AND INITIATIVE**

**Sec. 801. Overrule of action of council.**

All ordinances, all orders or resolves appropriating \$50,000 or more for a single capital improvement, and all orders or resolves authorizing general obligation bond issues of \$50,000 or more for capital improvement, shall be subject to overrule by referendum.

Any 5 registered voters may begin referendum proceedings by request, in writing, to the town clerk for the appropriate petition blanks. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the ordinance, order or resolve sought to be reconsidered. The petition shall be signed only by registered voters of the town and each voter's signature shall be followed by his address.

Each paper of the 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 sought to be reconsidered.

If, within 20 days after the enactment of any such ordinance, order or resolve, the appropriate petition signed by not less than 10% of the registered voters of the town is filed with the town clerk requesting its reference to a referendum, the town 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 municipal election for the purpose of submitting to a referendum vote the question of adopting such ordinance, order or resolve. Pending action by the voters of the town, the referred ordinance, order or resolve shall be suspended from going into operation until it has received a vote of the majority of the voters voting on said question.

**Sec. 802. Ordinances, orders or resolves submitted to popular vote.**

The town council may submit on its own initiative a proposition for the enactment, repeal or amendment of any ordinance, order or resolve, except as herein otherwise provided, to be voted upon at any municipal election, and should such proposition receive a majority of the votes cast thereon at such election, such ordinance, order or resolve shall be enacted, repealed or amended accordingly.

**Sec. 803. Enactment of ordinances by initiative.**

Ordinances may be enacted by the following initiative procedure:

Any 5 registered voters may begin initiative proceedings by request in writing to the town clerk for the appropriate petition blanks. The complete text of the proposed ordinance shall be the request. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the proposed ordinance. The petition shall be signed only by registered voters of the town and each voter's signature shall be followed by his address.

Each paper of the 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 proposed ordinance.

Upon receipt by the town clerk of the appropriate petition signed by not less than 10% of the registered voters of the town, the town 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 30 days after said public hearing call a municipal election for the purpose of submitting to vote the question of adopting such ordinance, unless such ordinance shall be enacted by the council prior to the call for said town election. Such ordinance shall be enacted and take effect when a majority of those voting thereon shall have voted in the affirmative.

Any such proposed ordinance shall be examined by the town attorney before being submitted to the voters. 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. 804. 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 . . . . .	YES	NO
..... be	<input type="checkbox"/>	<input type="checkbox"/>
repealed? (or adopted?)"		



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

## ARTICLE IX

### GENERAL PROVISIONS

#### Sec. 901. 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, \_\_\_\_\_ do swear, that I will support the Constitution of the United States and of this State, so long as I shall continue a citizen thereof. So help me God."

"I, \_\_\_\_\_ do swear, that I will faithfully discharge, to the best of my abilities, the duties incumbent on me as \_\_\_\_\_ according to the Constitution and laws of this State. So help me God."

#### Sec. 902. Charter amendment.

1. **Proposal of amendment.** Amendments to this charter may be framed and proposed:

- A. In the manner provided by law, or
- B. By ordinance of the town council containing the full text of the proposed amendment and effective upon adoption, or
- C. By the registered voters of the town, or
- D. By report of a charter commission created by ordinance.

Proposal of an amendment by the registered voters of the Town of Lincoln 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 petitions is made. The petition must be signed by registered voters of the town equal in number to at least 20% of the combined vote cast in the last preceding gubernatorial election.

2. **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 1, 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 days 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. The form of the ballot shall be as specified in Article VIII, section 804.

**Sec. 903. Ordinances not inconsistent continue in force.**

All ordinances of the Town of Lincoln 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. 904. Continuance of present administrative officers.**

All persons holding administrative office or employment 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 or position.

**Sec. 905. Existing contracts not invalidated.**

All rights, actions, proceedings, prosecutions and contracts of the town, pending or unexecuted when this charter goes into effect, shall be enforced, continued or completed in all respects as though begun or executed hereunder.

**Sec. 906. 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. 907. P. & S. L., 1939, c. 62, repealed; other laws repealed.**

Chapter 62 of the private and special laws of 1939, as amended by chapter 113 of the private and special laws of 1957, is repealed. All other Acts and parts of Acts of the private and special laws of Maine relating to the Town of Lincoln, inconsistent with the provisions of this charter, are repealed.

**Sec. 908. Short title.**

This charter shall be known and may be cited as the "Council-Manager Charter of the Town of Lincoln." The clerk shall cause it to be printed and made available to the public promptly.

**Referendum; effective date; certificate to Secretary of State.** This Act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the Town of Lincoln at any regular or special town election or state-wide election held before December 31, 1970, and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said town to vote on the approval or rejection of this Act.

The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this Act to the following question: "Shall 'An Act to Grant a Council-Manager Charter to the Town of Lincoln,' 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. This Act shall take effect for the purpose of nominating and electing officers hereunder immediately upon its acceptance by a majority of the legal voters voting at said election, and for all other purposes this Act shall take effect following the first election held under the provisions of this charter on the 2nd Tuesday in March, 1971.

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

Effective October 1, 1969

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## Chapter 70

### AN ACT Repealing the Porter's Landing Water District.

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the present water system of the Porter's Landing Water District is inadequate and in need of immediate improvement and repair to protect the quality of water and the health and well-being of the inhabitants of that portion of the Town of Freeport served by the district; and

Whereas, such portion of the Town of Freeport is totally without a public water supply for fire protection purposes; and

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

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

**Sec. 1. Authorization to sell assets.** Porter's Landing Water District, as created by chapter 104 of the private and special laws of 1951, is authorized and empowered to sell and convey by deed, bill of sale and other necessary documents, its land, buildings, equipment, water lines, water system and all other assets upon such terms and conditions as the board of trustees of the district determine to be fit and proper to Freeport Water Company or to such other company, individual, district or entity as the trustees shall select.

**Sec. 2. Organization of Porter's Landing Water District repealed.** Chapter 104 of the private and special laws of 1951 incorporating the Porter's Landing Water District is repealed and said district is dissolved upon the completion of a sale and conveyance of the assets of the district as authorized in section 1 and settlement in full of all indebtedness of the district. The trustees of the district shall file a due certificate thereof with the Secretary of State. Provided, however, that the existence, powers, duties and liabilities of the district shall survive for the purpose of prosecuting and defending