

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

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

publication of notice thereof as aforesaid. After the expiration of said period of 30 days and within one year thereafter, the treasurer may record in the Registry of Deeds of Cumberland County a certificate signed by the treasurer setting forth the amount of such rate, rent or other charge, describing the real estate on which the lien is claimed, and stating that a lien is claimed on the real estate to secure payment of said rate, rent or other charge and that a notice and demand for payment of the same has been given or made in accordance with the provisions of this section and stating further that such rate, rent or other charge remains unpaid. At the time of the recording of any such certificate in the registry of deeds as heretofore provided, the treasurer shall file in the office of the district a true copy of such certificate and shall mail a true copy thereof by registered or certified mail to each record holder of any mortgage on said real estate, addressed to such record holder at his last and usual place of abode. The fee to be charged by the district to the rate payer for such notice and filing shall not exceed \$3.50, and the fee to be charged to the district by the register of deeds for filing and recording shall not exceed \$3.

The filing of the aforesaid certificate in the registry of deeds shall be deemed to create, and shall create, a mortgage on the real estate therein described to the district which shall have priority over all other mortgages, liens, attachments and encumbrances of any nature, except liens, attachments and claims for taxes, and shall give to the district all the rights usually possessed by mortgages, except that the district as mortgagee shall not have any right to possession of said real estate until the right of redemption hereinafter provided for shall have expired. If the mortgage, together with interest and costs, shall not have been paid within 18 months after the date of filing of said certificate in the registry of deeds as herein provided, the mortgage shall be deemed to have been foreclosed and the right of redemption to have expired. The filing of the certificate in the registry of deeds shall be sufficient notice of the existence of the mortgage hereby provided for. In the event that said rate, rent or other charge, with interest and costs as aforesaid, shall be paid within the period of redemption herein provided for, the treasurer of the district shall discharge the mortgage in the same manner as is provided for discharge of real estate mortgages.

Sec. 21. Rights conferred subject to provisions of law; Public Utilities Commission supervision. All the rights and duties herein mentioned shall be exercised and performed in accordance with all the provisions of the Revised Statutes of 1964, Title 35, and all Acts amendatory thereof and additional thereto.

Effective October 1, 1969

Chapter 108

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

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

COUNCIL-MANAGER CHARTER

of the

TOWN OF GRAY

ARTICLE I

Grant of Powers to the Town

Sec. 1. Incorporation. The inhabitants of the Town of Gray, 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 Gray, Maine.

Sec. 2. Powers and duties. The town shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise, pertaining to or incumbent upon said town as a municipal corporation or to the inhabitants or municipal authorities thereof, and may enact reasonable bylaws, regulations and ordinances for municipal purposes, not inconsistent with the Constitution and laws of the State of Maine, and impose penalties for the breach thereof, not exceeding \$100 in any one case, to be recovered for such uses as said bylaws, regulations and ordinances shall provide.

The administration of all the fiscal, prudential and municipal affairs of said town, with the government thereof, except the general management, care, conduct and control of the schools of said town, which shall be vested in a board of school directors of School Administrative District No. 15 and also except as otherwise provided by this charter, shall be and are vested in one body of 5 members, which shall constitute and be called the town council, all of whom shall be inhabitants of said town, and shall be sworn in the manner hereinafter prescribed.

The town may acquire property for any town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, mortgage, hold, manage and control such property as its interest may require.

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

ARTICLE II

Town Council

Sec. 1. Number, election, term. The town council, hereinafter called the "council", shall be composed of 5 members, each of whom shall be elected by the registered voters of the entire town. Each member shall be elected for a term of 3 years and until his successor is elected and qualified, except that, at the first election after the adoption of this charter, the 2 members-elect receiving the next highest number of votes shall serve 2 years, and the one member-elect receiving the next highest number of votes shall serve for one year. In case of an equal number of votes, the relative position of the members-elect shall be determined by lot.

Sec. 2. Qualifications. Councilmen shall be qualified voters of the town and shall reside in the town during their term of office. They shall hold no office of emolument or profit under the town charter or ordinances. In case of a vacancy caused by death, resignation or other cause, the vacancy shall be filled at the next regular municipal election for the unexpired term. The council may fill vacancies in its number occurring between regular municipal elections, and the term of office of any member of the council so chosen shall expire at the next municipal election.

If any member of the council shall have sustained a final conviction of a felony, his office shall immediately become vacant.

Sec. 3. Nominations. Nomination of candidates for the office of town councilman shall be made by nomination papers signed in the aggregate for each candidate by not less than 50 qualified voters of the Town of Gray. All nomination papers must contain the full name and address of the candidate, must specify the office for which he is to be nominated and the term for which he seeks nomination, except that the term for which he seeks nomination shall not apply to the first election.

Nomination papers for the nomination of candidates for any elective office in the Town of Gray shall be filed with the town clerk at least 14 days prior to the regular municipal election. Nomination papers shall be uniform and shall be supplied by the town council and made available by the town clerk.

Sec. 4. Enumeration of powers. Without limitation of the foregoing, the council shall have power to:

I. Appoint and remove for cause after hearing, the town manager and the town assessor. Appoint a town attorney who shall serve at the will of the council. Appoint and remove for cause, after hearing, the members of the planning board and the board of zoning appeals which shall have such powers and perform such duties as are provided by the laws of the State of Maine.

II. Create by ordinance, change and abolish offices, departments and agencies, other than the offices, departments and agencies established by this charter. The council by ordinance may assign additional functions or duties to offices, departments or agencies established by this charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this charter to a particular office, department or agency. The council may, however, vest in the town manager all or part of the duties of any office under this charter.

III. Make, alter and repeal ordinances, including the power to enact ordinances providing for the grant of licenses and permits for the conduct of any business, as set forth in the statutes of the State of Maine, for such periods of time and in accordance with such rules and regulations not inconsistent with law and upon payment by the licensee of such fees as the council may establish in such ordinance.

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

V. Adopt, modify and carry out plans proposed by the planning board.

VI. Adopt an annual budget and recommend same to the town meeting.

VII. Provide for an annual audit.

Sec. 5. Compensation. Councilmen shall receive \$8 for each council meeting upon attendance not to exceed the aggregate of \$200 per year in full for their services. Such compensation may be changed by ordinance. The council by order shall fix the salaries of officials appointed by the council, including the salary of the town manager for his services as such and for all other services rendered by him. Salaries of the appointees of the town manager shall be fixed by the town manager, subject to approval of the council.

Sec. 6. Induction of council into office. The council shall meet at the usual place for holding meetings within 5 days following the regular town election, and at said meeting councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the town clerk.

Sec. 7. Council to judge qualifications of its members. The council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require production of records, but the decision of the council in any such case shall be subject to review by the courts.

Sec. 8. Regular meetings. The council shall, at its first meeting or as soon thereafter as possible, establish by resolution a regular place and time for holding its regular meetings, and shall meet regularly at least once a month. It shall also provide a method for calling special meetings.

Sec. 9. Rules of procedure; journal. The council shall determine its own rules and order of business. It shall keep a record of its proceedings and the record shall be open to public inspection.

Sec. 10. Chairman. At its first meeting or as soon thereafter as practicable, the council shall elect, by majority vote of the entire council, one of its members for the ensuing year as chairman and the council may fill, for an unexpired term, any vacancy in the office of chairman that may occur. The chairman shall preside at the meetings of the council, and shall be recognized as head of the town government for all ceremonial purposes and by the Governor for purposes of military law, but he shall have no regular administrative duties. He shall be entitled to vote, and his vote shall be counted upon all matters and things as a vote of other members of the council. In the tem-

porary 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. 11. Quorum. A majority of the council shall constitute a quorum for the transaction of business. At least 3 votes shall be required for passage of any ordinance, order or resolution. A smaller number may adjourn from time to time or may compel attendance of absent members. At least 24 hours' notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

Sec. 12. Public hearing on ordinances. At least one public hearing, notice of which shall be given as hereinafter provided, shall be held by the council before any ordinance shall be passed, but nothing contained herein shall be deemed to require publication of the ordinance itself. The passage of such ordinance shall not be effective until 30 days after such enactment. The council may, by vote of 4 of its members, pass emergency ordinances which 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. 13. Clerk of the council. In addition to the statutory duties required of the town manager, he shall act as clerk of the council and shall keep a public record of all proceedings of the council, including all votes.

Sec. 14. Independent annual audit. Prior to the end of each fiscal year, the council shall designate the State Department of Audit or private certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the town government and shall submit their report to the council and the town manager. Such accountants shall not maintain any accounts or records of the town business, but shall post-audit the books and documents kept by any office, officer, department or agency of the town government.

ARTICLE III

Town Manager

Sec. 1. Appointment; qualifications; powers and duties. The town manager shall be chosen by the council solely on the basis of his character and his executive and administrative qualifications, and may or may not be a resident of the Town of Gray or of the State of Maine at the time of his appointment. He shall be town clerk, tax collector, town treasurer, overseer of the poor, road commissioner and shall have and exercise all powers and perform all the duties conferred or imposed by law upon said respective offices. No councilman shall receive appointment to the office of town manager during the term for which he shall have been elected, nor within one year after the expiration of his term, nor shall any member of the council act in that capacity. The town manager shall give bond for the faithful discharge of his duties to the Town of Gray in such sum as the council shall determine and direct, and with surety or sureties to be approved by the council.

The premium on his bond shall be paid by the town. He shall be the administrative head of the town and shall be responsible to the council for the

administration of all departments assigned to him. His powers and duties shall be as follows:

I. Appoint all town officers or agents whose election or appointment has not been otherwise provided for by this charter. In case of the appointment of a health officer, the appointment shall be for a period of not less than one and not more than 3 years. All of such officers shall serve at the will of the town manager.

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

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

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

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

VI. To act as purchasing agent for all departments of the town, except for the School Administrative District, and to submit to competitive bids any transaction involving more than \$500 if the council so orders. As purchasing agent of said town, the town manager shall purchase all supplies and materials for the town and for the several departments, with the exception of the said School Administrative District, and shall see to the delivery of such supplies and materials to each department, and shall take and file receipts thereof, and all accounts for the purchase of supplies and materials and work performed for said town, with the exception of accounts for the School Administrative District, shall bear the approval of the town manager when presented to the council for payment.

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

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

Sec. 2. Removal. The town manager may be removed for cause by the council in accordance with the provisions of the statutes of the State of Maine relating to the removal of a town manager.

Sec. 3. Department heads. All statutory officers and department heads, other than those listed in Article II, section 4, subsection 1, shall be appointed by the town manager.

Sec. 4. Council not to interfere in appointments or removals. Neither the council nor any of its members shall direct or request the appointment of any person to or his removal from office by the manager or by any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any member thereof shall give orders to any subordinates of the manager, either publicly or privately.

Sec. 5. Vacancy in office of town manager. During any vacancy in the office of town manager, and during the absence or disability of the town manager, the council shall designate a properly qualified person, not a member of the council, to perform the duties of manager and fix his compensation. While so acting he shall have the same powers and duties as those given to and imposed on the town manager. Before entering his duties, he shall give bond to the Town of Gray in a sum and with surety or sureties to be approved by the council. The premium on said bond shall be paid by the town.

ARTICLE IV

School Administrative District

Sec. 1. The management of public schools. The management of the public schools of the Town of Gray shall be vested in School Administrative District No. 15, in accordance with the statutes of the State of Maine.

Sec. 2. Qualifications for the board of school directors. The members of the board of school directors of School Administrative District No. 15, representing the Town of Gray, shall be qualified voters of the town and shall reside in the town during their term of office. They shall hold no office of emolument or profit under the town charter or ordinances. In the event of a vacancy in the town's representatives to the board of school directors, the council shall appoint a director to fill the vacancy until the next regular town election.

ARTICLE V

Budget

Sec. 1. 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, or such other fiscal year as the council may decide. 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. 2. Preparation and submission of the budget. The town manager, at least 35 days prior to the beginning of each budget year, shall submit to the council a budget and an explanatory budget message. The budget authority of the council shall be limited to the final determination of the total appropriation to be made to each of the several offices, departments and agencies of the town.

This budget shall contain :

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

II. An itemized statement of appropriations recommended for current expenses, and for permanent improvements, with comparative statements in parallel columns of estimated expenditures for the current year and actual expenditures for the next preceding fiscal year. An increase or decrease in any item shall be indicated.

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

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

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

Sec. 3. Budget establishes appropriation. 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. 4. Budget establishes amount to be raised by property tax; certification to town assessor. From the date of adoption of the budget, the amounts stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the town in the corresponding fiscal 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 fiscal year.

Sec. 5. 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 manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget.

Sec. 6. Expenditures and departmental revenue. The budget for all departments shall include all proposed expenditures; and the council shall make a gross appropriation for each department for the ensuing fiscal year. The gross appropriation for each department shall not be exceeded except by consent of the council.

Sec. 7. Work program; allotments. Before the beginning of the budget year, the head of each office, department or agency shall submit to the town manager, when required by him, a work program of the year, which program shall show the requested allotments of appropriations for such office, department or agency, by stated periods, for the entire budget year. The town manager shall review the requested allotments in the light of the work program of the office, department or agency concerned, and may revise, alter or change

such allotments before approving the same. The aggregate of such allotments shall not exceed the total of appropriations available to said office, department or agency for the budget year.

Sec. 8. Transfers of appropriations. At the request of the manager and within the last 3 months of the budget year, the council may by resolution transfer any unencumbered appropriation balance or portion thereof between general classification of expenditures within an office. Following the close of the fiscal year the council may also continue unexpended balances in capital accounts.

Sec. 9. Interim expenditures. In the period between the beginning of the fiscal year and the appropriation of funds, the council may authorize expenditures for current departmental expenses chargeable to the appropriations for the year when made in amounts sufficient to cover the necessary expenses of the various departments.

ARTICLE VI

Tax Administration

Sec. 1. Assessor. There shall be established a division of assessment, the head of which shall be the town assessor. The assessor, appointed as hereinbefore provided, shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the State may exercise, and may now or hereafter be subject to, under the laws of the State.

Sec. 2. Board of assessment review; appointment; vacancies. There shall be a board of assessment review to consist of 3 members, who shall be appointed by the 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. Members may be removed for cause after hearing by the council. Compensation, if any, to such members shall be determined by the council. Vacancies in the membership of such board shall be filled by appointment by the council for the unexpired term.

Sec. 3. Board of assessment review; powers and duties. The board of assessment review shall have the power to:

I. Review, on complaint of property owners, and revise assessments for the purpose of taxation of real and personal property within the town limits made by the town assessor;

II. Administer oaths;

III. Take testimony;

IV. Hold hearings;

V. Adopt regulations regarding the procedure of assessment review not inconsistent with statutory provisions.

ARTICLE VII

Nominations and Elections

Sec. 1. Municipal elections. The regular elections for the choice of members of the council and representatives to the board of school directors shall be held on the first Saturday in March. The council may by resolution adopted by a majority of its members order a special election at any time to fill vacancies in the council. All such elections shall be conducted on a nonpartisan basis and without party designations on the election ballot.

Sec. 2. Nomination. Any qualified voter of the town may be nominated for the council or as a representative to the board of school directors, by the use of nomination papers, in accordance with the statutes of the State of Maine.

Sec. 3. Conduct of municipal elections. The provisions of the statutes of the State of Maine relating to the qualifications of voters, the registration of voters, the nomination for any office, the manner of voting, the duties of election officers and all other particulars relative to preparation for, conduct and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter.

Sec. 4. Voting places. The voting places for municipal elections shall be those which have been or may hereafter be established for state elections.

Sec. 5. Election officials. The town council shall, 10 days before any election, appoint a warden and a clerk, in addition to the regular ballot clerks, for each voting place.

ARTICLE VIII

The Town Meeting

Sec. 1. Annual and special town meeting. An annual town meeting for the consideration of the budget and the transaction of other town business which voters are authorized to vote upon shall be held on the first Saturday in March. Special town meetings may be called by the council.

Sec. 2. When action by town meeting required. The annual budget, any appropriation of \$2,000 or more in addition to or supplementary to the annual budget appropriation, the issuance of bonds or notes, except notes in anticipation of taxes to be paid within the fiscal year in which issued, shall become effective only after it has been adopted at a town meeting by the vote of a majority of those present and entitled to vote at such meeting. The town meeting shall not increase the amount of any appropriation above the amount recommended by the council or make any appropriation not recommended by the council and shall not increase the amount of any bond issue above the amount recommended by the council.

Sec. 3. Application. The provisions of this article shall not apply to any appointments of officers, of members of commissions or of boards made by said town council, or to the appointment or designation of officers of the town council or to rules governing the procedure of the town council.

Sec. 4. Method of abolishing the town meeting. At any time, not less than 10% of the registered voters of the town may petition over their personal signatures for a special town meeting to vote upon the question of submitting to a referendum vote on the ballot at a general or special town election the proposition of abolishing the town meeting. The council shall call such a special town meeting to be held within 30 days from the date of the filing of such petition with the town clerk. If a majority of the electors voting at such special town meeting shall vote to submit to a referendum the question of abolishing the town meeting in the Town of Gray, the proper election officials of the town shall take such steps as may be necessary to place such question upon the ballot at the next general election or at a special election called for that purpose as such special town meeting shall determine. If at such general election or special election a majority of the electors of the town voting on the question shall vote for the abolition of the town meeting of the Town of Gray, the powers heretofore vested in the town meeting shall be conferred upon and exercised by the town council.

ARTICLE IX

Initiative and Referendum

Sec. 1. Petition for overrule of action of council. All ordinances, resolutions or votes, except those making appointments or removals or regulating exclusively the internal procedure of the council, shall be subject to overrule by a referendum as follows:

If, within 20 days after the enactment of any such ordinance, resolution or vote, a petition signed by not less than 10% of the registered voters of the Town of Gray is filed with the town clerk requesting its reference to a referendum, the council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk and shall, within 14 days after said public hearing, call a special town meeting for the purpose of submitting to a referendum vote the question of adopting such ordinance, resolution or vote. Pending action by the town meeting, the referred ordinance, resolution or vote shall be suspended from going into operation until it has received an affirmative vote of the majority of the voters voting on said question.

Sec. 2. Petition for enactment of ordinances. Subject to the provisions of section 1, not less than 10% of the registered voters of the town may at any time petition over their personal signatures for the enactment of any proposed lawful ordinance by filing such petition, including the complete text of such ordinance, with the town clerk. The council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk, and shall within 30 days after said public hearing call a special town meeting for the purpose of submitting to a referendum vote the question of adopting such ordinance, unless prior to the call for said town meeting, such ordinance shall be enacted by the council. Such ordinance shall take effect on the 10th day after the conclusion of such referendum, provided 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 a referendum. The town attorney is authorized to

correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but he shall not materially change its meaning and effect.

Sec. 3. Form of ballot. The form of ballot for the proposed ordinance, resolution, vote or charter amendment shall be substantially as follows :

“Shall the proposed ordinance (resolution, vote or charter amendment), a copy of which is printed herein or attached hereto, be adopted?”

For the Ordinance :

Against the Ordinance :

The voter shall write a cross or check mark in the appropriate box.

ARTICLE X

General Provisions

Sec. 1. 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 Gray and statutes of the State of Maine, and will faithfully discharge the duties of the office of”

Sec. 2. Subpoena before council. The clerks of the Supreme Judicial and Superior Courts may issue a subpoena for witnesses to attend and produce books, documents and papers at any meeting of the council for the Town of Gray at which a hearing is had in any matter regarding any alleged dereliction of duty by town officers or employees. On complaint of failure to obey a subpoena filed with any Justice of the Superior Court, said justice if he finds failure to obey such subpoena to be without reasonable excuse, shall impose a fine of not less than \$10 nor more than \$100, or imprisonment for not more than 30 days, or both.

Sec. 3. Removal of officers and employees. Any statutory officer, department head or employee appointed by the town manager may be removed by him at any time. The decision of the town manager shall be subject to appeal to the council, provided such officer or employee submits a written notice of appeal to the council within 30 days of notification of removal.

Sec. 4. Ordinances not inconsistent continue in force. All ordinances of the Town of Gray 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. 5. Existing contracts not invalidated, unless inconsistent. All rights, actions, proceedings, prosecutions and contracts of the town or any of its departments, pending or unexecuted when this charter goes into effect and not inconsistent herewith, shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Sec. 6. Continuance of present administrative officers. All persons holding administrative office at the time this charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance herewith for the performance of such duties or the discontinuation of such office.

Sec. 7. Expiration term of present elected officials. The term of the present elected town officials shall expire at the annual meeting in March, 1970.

Sec. 8. 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 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 IX 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 total number of registered voters.

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 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 IX, section 3.

3. **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.

Sec. 9. Short title. This charter shall be known and may be cited as the "Council-Manager Charter of the Town of Gray." The clerk shall cause it to be printed and made available to the public promptly.

Sec. 10. 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 hereof.

Sec. 11. Repealing clause. All Acts and parts of Acts of the private and special laws of Maine relating to the Town of Gray, inconsistent with the provisions of this charter, are repealed.

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 Gray at any special town meeting or state-wide election held before January 1, 1970, as determined by the selectmen, and warrants shall be issued for such town meeting in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said town to meet in said town, there to cast their ballots on the approval or rejection of 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 Gray', passed by the 104th Legislature, be accepted?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. This Act shall take effect for the purpose of nominating and electing officers hereunder immediately upon its acceptance by a majority of the legal voters voting at said election, and for all other purposes this Act shall take effect immediately following the first election held under the provisions of this charter at the annual meeting in March, 1970.

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

Effective October 1, 1969

Chapter 109

AN ACT Relating to Referendum Provisions Under Charter of City of Waterville.

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

P. & S. L., 1967, c. 132, Art. X, § 1, repealed and replaced. Section 1 of Article X of chapter 132 of the private and special laws of 1967 is repealed and the following enacted in place thereof: