

# 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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warning the qualified voters of said town to meet in a designated place, there to cast their ballot 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 Providing for a Council-Manager Charter for the Town of Scarborough,' 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 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.

The result of the vote shall be declared by the municipal officers of the Town of Scarborough 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 142

### AN ACT to Grant a New Charter to the City of Belfast.

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

#### Article I

##### Grant of Powers

**Sec. 1. Powers of the city.** The City of Belfast shall continue to be a municipal corporation and shall have all powers possible for a city to have under the Constitution and laws of this State as fully and completely as though they were specifically enumerated in this charter.

**Sec. 2. Construction.** The powers of the city under this charter shall be construed liberally in favor of the city, 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.

**Sec. 3. Intergovernmental relations.** The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

#### Article II

##### City Council

**Sec. 1. General powers and duties.** All the powers granted to the city by this charter and by the laws of this State, except as otherwise provided by this charter, are hereby vested in the city council, which shall exercise its power in the manner hereinafter provided. The members of the city council shall be the municipal officers of the City of Belfast for all purposes required by statute or ordinance.

**Sec. 2. Composition, election, and term of office.** The council shall be composed of the mayor and 5 other members. The members other than the mayor shall be elected one from each ward by and from the qualified voters of the City of Belfast. The mayor shall be ex officio president of the council. The members of the council shall hold office for a term of 2 years, or until their successors are elected and qualified. Members of the council and the mayor shall serve without compensation.

**Sec. 3. Vacancies.** In the case of the death, resignation or removal from office of any member of the council, more than 6 months prior to the next regular city or state election, the vacancy shall be filled by a special city election which shall be held within 60 days of the date the vacancy occurs in the manner provided for the nomination and election of councilmen, the warrants for which shall be issued by the mayor.

**Sec. 4. Forfeiture of office.** Any member of the council shall forfeit his office if the member (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 prohibitions of this charter; (3) sustains final conviction of a felony while in office; or (4) fails to attend 3 consecutive regular meetings of the council without being excused by the council.

**Sec. 5. Holding other office prohibited.** Except where specifically authorized by law, no councilman shall hold any other city office or city employment and further, no teacher shall be eligible to serve on the city council.

**Sec. 6. Regular meetings and oath of office.** The council shall meet at the usual place for holding meetings, at 10 o'clock A. M. on the first Monday following the regular city election, at which time the mayor-elect and the councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the city clerk. Thereafter the council shall meet at such time and place as may be prescribed by ordinance or resolution, except that it shall meet regularly each month.

**Sec. 7. Special meetings.** Special meetings may be called by the mayor, or by a majority of all the members of the council. Notice of such meetings shall be served in person upon, or left at the usual dwelling place of each member of the council and the city manager. The period of such notice shall be prescribed by ordinance or resolve.

**Sec. 8. Quorum.** A majority of the members of the council, other than the mayor, shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time or compel attendance of absent members.

**Sec. 9. Council procedure.**

(a) **Records and judge of qualifications.** The council shall keep a record of its proceedings, which record shall be public, and shall be the judge of the qualification and election of its own members. The council may determine its own rules of procedure and punish members for misconduct.

(b) **Public meetings.** The meetings of the council shall be open to the public, except executive sessions.

(c) **Council action by ordinance, order, motion or resolve.** The council shall act only by ordinance, order, motion or resolve; and all ordinances, orders, motions and resolves, except resolves making appropriations, shall be confined to one subject which shall be clearly expressed in the title. The appropriation resolve shall be confined to the subject of appropriations.

(d) **Passage of ordinances and appropriation resolve.** No ordinance and no appropriation resolve shall be passed until it has been read on 2 separate days, except when the requirement of a reading on 2 separate days has been dispensed with by a 4/5 vote of the voting members of the council.

(e) **Vote on ordinances.** The yeas and nays shall be taken upon the passage of all ordinances and entered on the record of the proceedings of the council by the clerk. Every ordinance shall require on final passage the affirmative vote of a majority of the voting members of the council.

(f) **Publication and effective date of ordinances.** Every ordinance shall be published in full within 10 days after its final passage, in a newspaper of general circulation in the City of Belfast, and shall thereafter be in full force and effect.

(g) **Vote on orders or resolves.** The yeas and nays shall be taken on the passage of any order or resolve when called for by any member of the council.

**Sec. 10. Ward boundaries.** The city council shall be responsible for the periodic review and establishment of ward boundaries to assure equitable representation.

### Article III

#### Mayor

**Sec. 1. Eligibility, election and tenure of office.** A mayor shall be elected by and from the qualified voters of the city. He shall hold office for a term of 2 years or until his successor is elected and qualified, except that when elected to fill a vacancy he shall hold office only for the unexpired term or until his successor is elected and qualified.

**Sec. 2. Vacancy.** In case of the death, resignation or removal from office of the mayor more than 6 months prior to the next regular city election, the vacancy for the unexpired term shall be filled by a special election within 60 days, the warrants for which shall be issued by the council. Whenever, the office of mayor becomes vacant within 6 months prior to a regular city election, whenever the office of mayor is vacant pending an election, or whenever the mayor, for any reason, is unable to attend to the duties of his office, the council shall appoint one of its members to perform the duties of mayor.

**Sec. 3. Powers and duties.** The mayor shall preside at all meetings of the council and shall perform such other duties, consistent with his office, as the council may impose. He shall have no veto and no vote except in case of a tie. He shall be recognized as the official head of the city for ceremonial purposes, and for all purposes of military law. The title of mayor shall not be considered as conferring upon him any functions of a mayor under the general laws of the State inconsistent with the provisions of this charter.

## Article IV

### Schools

**Sec. 1. School Administrative District #34.** The ownership, management and control of the public schools within the City of Belfast shall continue to be vested in School Administrative District #34, in accordance with the applicable provisions of law relating to such district.

**Sec. 2. Nomination, election and term of office of board of school directors.** The nomination and election of the Belfast members of the board of school directors of School Administrative District #34 shall be conducted in accordance with Article V of the city charter.

**Sec. 3. Term of office of school directors.** The term of office of the members of the board of school directors of School Administrative District #34 from Belfast shall be as provided by the Revised Statutes or other provisions of law applicable thereto.

**Sec. 4. Vacancies.** When a vacancy occurs among the members of the board of school directors of School Administrative District #34 from the city, the city council by a majority vote of all its members shall fill the vacancy by electing a director to serve until the city shall fill the vacancy for the balance, if any, of the unexpired term at the next regular election.

## Article V

### Nominations and Elections

#### Sec. 1. Elections.

(a) **Date of elections.** The regular city election shall be held on the 2nd Monday in March in each even numbered year.

(b) **Officers to be elected.** The qualified voters of the City of Belfast shall cast their ballots at the regular city election for the following municipal officers: mayor; councilmen; school administrative district directors; wardens; and ward clerks.

(c) **Determination of election results.** All the votes cast for the several officers shall be sorted, counted, declared and registered in open ward meeting, by causing the names of the persons voted for and the number of votes given for each to be written on the ward record at length. The ward clerk shall forthwith deliver to the persons elected warden and ward clerk certification of their election, and shall forthwith deliver to the city clerk a certified copy of the record of such election.

**Sec. 2. Wardens and ward clerks.**

(a) **Eligibility, tenure and qualifications.** The wardens and ward clerks as provided in the preceding section shall be residents of the wards for which they are elected, and shall hold their offices for 2 years from the first Monday following the regular city election, or until others have been chosen and qualified in their stead.

(b) **Oath of office.** The warden and ward clerk shall be sworn to the faithful performance of their duties by the person presiding in the ward meeting, or by the clerk thereof, or by a justice of the peace, and a certificate of such oath shall be entered by the clerk on the records of said ward.

(c) **Powers, duties and vacancies.** The warden shall preside at all ward meetings with the powers of moderators of town meetings, and if at any meeting the warden shall not be present, the clerk of the ward shall call the meeting to order and preside until a warden pro tempore shall be chosen and qualified. The clerk shall record all proceedings and certify the votes given, and deliver over to his successor in office all such records and journals together with all documents and papers held by him in the capacity of clerk.

(d) **Ward meetings.** All ward meetings shall be notified and called by the city council in the manner provided in the laws of the State for notifying and calling town meetings by the selectmen of the several towns.

**Sec. 3. Nominations.**

(a) **Nominations of candidates.** The nomination of all candidates for elective office provided for by this charter shall be by petitions.

(b) **Office of mayor, number of signatures required.** The petition of candidates for mayor shall be signed by not less than 75, nor more than 125 qualified voters of the city.

(c) **Other elective offices; number of signatures required.** The petitions of candidates for councilmen, board of directors school administrative district, wardens and ward clerks shall be signed by not less than 15 nor more than 25 qualified voters of the city.

(d) **Signature void.** No voter shall sign petitions for a greater number of candidates for each office than there are offices to be filled at the election, and should he do so his signature shall be void as to the petition or petitions last filed.

**Sec. 4. Content of nomination paper.** The signatures to the nomination petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator, stating the number of signers of such paper and that each signature on it was made in his presence and is the genuine signature of the person whose name it purports to be. Each signer shall indicate, next to his signature, the street and number of his place of residence. All signatures shall be executed in ink or indelible pencil.



**Sec. 5. Names on ballot arranged by lot.** The names of candidates nominated for office as provided for in this charter shall be arranged on the ballot by lot. The city clerk shall designate a date, time and place for the drawing of lots for each office to be filled. Each candidate for office or his representative shall be notified in writing of the drawing and be entitled to be present.

**Sec. 6. Voting machines and voting places.** The city council may provide for voting machines or other devices for voting or counting votes, and voting places.

**Sec. 7. State laws applicable; exceptions.** The provisions of the Maine Revised Statutes, as amended, relative to the management of elections, insofar as may be applicable, shall govern all municipal elections, except as otherwise provided in this charter.

## Article VI

### Administration

**Sec. 1. Appointments.** The administrative officers and boards of the city shall be appointed in the following manner:

(a) **Council appointments.** The city council by ballot or resolution adopted by majority vote of its members shall appoint, the city manager, city clerk, city attorney, treasurer, tax collector, city auditor, district water commissioner, tax assessors, planning board, health officer and all other boards and officers not otherwise provided for by the city charter.

(b) **City manager appointments.** The following officers and boards shall be appointed by the city manager, subject to confirmation by the city council; director of public works, chief of police, chief of the fire department, plumbing inspector, building inspector, city electrician, city physician, all other department heads, whose position may be created by order, ordinance or resolve of the city council, and all minor officers and employees.

**Sec. 2. Scope of ordinance or resolve.** The city council shall have the power by ordinance or resolve:

(a) To create any new municipal department.

(b) To create any new appointive office.

(c) To assign or authorize the city manager to assign the duties of 2 or more offices to one officer.

(d) To divide the duties of any office between 2 or more offices.

(e) To appoint or authorize the appointment of assistants or deputies in any office.

**Sec. 3. Personnel Administration.** The city council shall provide, by ordinance for a system of administrative personnel rules for handling the personnel matters of municipal employees which shall be titled "Administrative Personnel Code of the City of Belfast."

**Sec. 4. Appointive officers; tenure-removal.** All appointive officers and boards, whose terms are not specified in this charter, shall hold office at the pleasure of the appointing power. All appointive officers and boards, whose terms are specified in this charter, may be removed by the council upon written charges and after a public hearing.

**Sec. 5. Salaries.** The council shall fix by order the salaries of the appointees of the council. Salaries of the appointees of the city manager shall be fixed by the city manager subject to the approval of the council.

**Sec. 6. City manager.**

(a) **Eligibility.** The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications, and need not be a resident of the City of Belfast or the State of Maine at the time of his appointment.

(b) **Power and duties of the city manager.** The city manager shall be the administrative head of the city government, and shall be responsible to the council for the administration of all departments. The powers and duties of the city manager shall be as follows:

1. To see that the laws and ordinances are enforced.
2. To exercise control over all departments and divisions created herein, or that may hereafter be created.
3. To make appointments and removals as provided in this charter.
4. To attend meetings of the council, except when his removal is being considered, and recommend for adoption such measures as he may deem expedient.
5. To keep the council fully advised concerning the business, financial condition, and future needs of the city.
6. To act as purchasing agent for the city and all departments, except schools.
7. To conduct sales of public property authorized by the city council.
8. To perform such other duties as may be prescribed by this charter or required by the city council.

(c) **Removal of the city manager.** The city manager may be removed by the city council for just cause. After 6 months of service, in case the city council proceeds to remove him, the city manager may demand and be entitled to written charges and a public hearing before the council upon the question of his removal prior to the date of his removal, but pending hearing, the council may suspend the city manager from office.

(d) **Vacancy in the office of the city manager.** In the event of a vacancy in the office of the city manager, or during the absence or disability of the manager, the council may designate a properly qualified person to perform the duties and fix his compensation.

**Sec. 7. Duties of administrative officers, prescribed by council.** The duties of administrative officers other than the manager may be prescribed by the council. Such duties shall not be inconsistent with the provisions of this charter.

**Sec. 8. Establishment; boards, committees and commissions.** The city council may establish and appoint such boards, committees, and commissions, not otherwise provided for in this charter, which it may determine to be needed from time to time.

**Sec. 9. Board of assessors.**

(a) **Term of office.** There shall be a board of assessors consisting of 3 members appointed by the city council, one each year for a term of 3 years.

(b) **Vacancies.** In the event of a vacancy on the board of assessors, the city council, in accordance with its appointive authority, shall fill the vacancy for the unexpired term.

(c) **Powers and duties.** The powers and duties of the board of assessors shall be in accordance with the provisions of law applicable thereto.

**Sec. 10. Planning board.**

(a) **Term of office.** There shall be a planning board consisting of 5 members appointed by the city council, one each year for a term of 5 years; and 2 associate members appointed for a term of 5 years.

(b) **Vacancies.** In the event of a vacancy on the planning board, the city council, in accordance with its appointive authority, shall fill the vacancy for the unexpired term.

(c) **Powers and duties.** The powers and duties of the planning board shall be in accordance with the provisions of law applicable thereto and, said board shall have such other powers and duties as the city council may from time to time confer or require.

(d) **Exception.** No municipal officer shall be appointed a member or associate member of the planning board.

**Sec. 11. Zoning board of appeals.**

(a) **Term of office.** There shall be a zoning board of appeals consisting of 3 members appointed by the city council, one each year for a term of 3 years; and one associate member for a term of 3 years. The associate member shall act in the stead of a member who is unable to act because of interest, physical disability or temporary absence from the State.

(b) **Vacancies.** In the event of a vacancy on the zoning board of appeals, the city council, in accordance with its appointive authority, shall fill the vacancy for the unexpired term.

(c) **Powers and duties.** The powers and duties of the zoning board of appeals shall be in accordance with the provisions of law applicable thereto.

(d) **Exception.** No municipal officer shall be appointed a member or associate member of the zoning board of appeals.

## Article VII

### Budget and Finance

#### Sec. 1. Fiscal year and audits.

(a) **Fiscal year.** The fiscal year of the city shall terminate the last Saturday before the 3rd Monday of each March.

(b) **Annual audit.** All the accounts of the city shall be audited at least once during each fiscal year by the city auditor.

(c) **Annual post-audit.** Each year the city shall have a post-audit of its accounts of the last fiscal year by the State Department of Audit or by a qualified public accountant.

#### Sec. 2. Treasury and accounts.

(a) **Fiscal accounts.** The fiscal accounts of the city shall be kept by the treasurer showing the financial transactions of all departments of the city.

(b) **Accounting system.** The accounting records of the city shall be kept in conformity with generally accepted principles of municipal accounting and a uniform classification shall be used for revenue, expenditures, and balance sheet accounts. The accounting forms shall be prescribed by the city manager and shall be kept to show, at all times, the financial condition of the city.

(c) **Report of treasurer.** Prior to the regular meeting of the city council, the treasurer shall furnish the city manager a detailed report of the receipts and disbursements on all accounts, the expenditures made and obligations incurred during the preceding calendar month, and a balance sheet showing the financial condition of the city, of the several funds, and the unexpended account balance of each department.

#### Sec. 3. Disbursements.

(a) **Treasurer's warrant.** The disbursement of money shall be paid out by the city treasurer only on warrants upon the city treasury issued by the city manager.

(b) **Examination by city auditor.** The city auditor shall examine all pay-rolls, bills, invoices and other claims and demands upon the city, and shall not authorize any item for payment upon the treasurer's warrant until it has been validated, correctly computed, and legally authorized.

(c) **Validity of a claim.** The city manager or city auditor may require any claimant to make oath to the validity of a claim, may investigate any claim, and for such purpose or purposes may examine witnesses under oath.

**Sec. 4. City treasury; receipts.** All moneys paid to the city or received by any municipal officer, employee or agent of the city for, or in connection with, the business of the city shall be paid into the city treasury, and shall be deposited with such banking depositories as the council may determine. All interest from deposits shall accrue to the benefit of the city.

**Sec. 5. Official surety bonds.** The city council shall require bonds, with sufficient sureties, from all persons entrusted with the collection, custody, or disbursement of the public moneys.

**Sec. 6. Reports.**

**(a) Administrative officers.** Each of the administrative officers, department heads, and boards shall annually, submit to the city manager a report of the transactions, activities, of their departments for the year.

**(b) Annual report.** From the reports submitted by the various municipal officers, the city manager shall prepare and publish an annual report, which in addition to a summary of the services performed by the various departments, shall show the following:

1. Receipts classified according to source.
2. A summary of expenditures classified according to department and services.
3. Balance sheets.
4. Such other financial information as may be required by the city council.

**Sec. 7. Budget.** Not later than one month before the end of the fiscal year, the city manager shall submit to the city council a proposed budget for the ensuing fiscal year, which shall be compiled from information furnished by the administrative officers, department heads and boards, on forms which may be designated by the city manager. The proposed budget shall contain:

**(a)** A budget message which shall explain the budget in fiscal terms and in terms of service and work programs.

**(b)** An exact statement of the financial condition of the city.

**(c)** Itemized statement of appropriations recommended for current expenditures and capital improvements, detailed by departments, office, special services, boards or agencies in terms of their respective programs. Each recommended appropriation shall be accompanied, in parallel columns, with comparative statements of budget expenditures for the current fiscal year.

**(d)** Itemized statement of estimated revenue from all sources other than taxation; and a statement of taxes required, with comparative estimated figures and actual receipts from the current fiscal year.

**(e)** Such other budget information as may be required by the city council.

**Sec. 8. Council action on the budget.**

(a) **Review by the council.** The city council shall review the proposed budget as submitted by the city manager at budget meetings established by the council.

(b) **Amending the budget.** During the review of the proposed budget, the city council may adopt the budget with or without amendment, or it may add or increase budget programs or amounts and may delete or decrease any programs or amount, except expenditures required by law or for debt service.

(c) **Public hearing and publication of the budget.** The city council shall set a date, time and place for a public hearing on the budget which shall be not later than 7 days prior to the date set for final passage of the appropriation resolve. A notice of the public hearing together with a summary of the budget shall be published in at least one newspaper of general circulation in the city at least 7 days prior to the public hearing.

(d) **Annual appropriation resolve.** Not later than one month after the beginning of the fiscal year the council shall pass an annual appropriation resolve, which shall be based on the budget submitted by the city manager and adopted by the council.

(e) **Interim appropriations.** Before the annual appropriation resolve has been passed, the council may make appropriations to the various departments and accounts in amounts sufficient to finance the necessary expenses until the appropriation resolve is in force.

**Sec. 9. Reserve fund.** The city council, in the appropriation resolve, shall provide for a reserve fund from which transfers may be made at the end of the fiscal year, by vote of the city council, to cover overdrafts in any fund. After all warrants have been paid, any unexpended balance or balances in any fund, excepting balance in schools and public library funds, shall be transferred to the reserve fund.

**Sec. 10. Borrowing.** The borrowing of money by and for the City of Belfast shall be subject to the provisions of sections 11, 12 and 13 of this Article. The credit of the city shall in no manner be loaned or used in the aid of any individual, association or corporation.

**Sec. 11. Bond issues.** Money may be borrowed, within the limits fixed by the constitution and Statutes of the State, as amended, by the issue and sale of bonds or serial notes, pledged on the credit of the city, the proceeds to be used for the acquisition of land, the construction and equipment of building, and other public improvements, the acquisition of equipment of a lasting character, and the payment or refunding of bonds, notes and certificates of indebtedness previously issued, or for any other purpose for which municipalities are or hereafter may be authorized to borrow money by general law, provided that no bonds or serial notes shall be issued for plans or other preliminary expenses in connection with a public improvement unless they are issued at the same time as bonds or serial notes to finance the improvement for which such expenses were incurred. No order providing for the issue of bonds or serial notes shall be passed without public notice given by posting notice of the same in 2 public places in the City of

Belfast, and publishing said notice in at least one newspaper of general circulation in the City of Belfast, at least 2 weeks before final action by the city council, and final adoption by affirmative vote of at least 4/5 of all the voting members of the city council. Every issue of bonds or serial notes shall be payable within a fixed term of years, in the case of bonds or serial notes issued for a public improvement or the acquisition of equipment, not to exceed the period of utility of the improvement or equipment for which they are issued as determined by the city council and embodied in the order authorizing the issue, and in no case to exceed 30 years. Authorized issues of bonds or serial notes, shall be payable in annual installments, and every order for the issue of bonds or serial notes, shall provide for a tax levy for each year of an amount necessary to meet the payment of the annual installment of principal and interest, and such amounts shall be included in the tax levy for each year until the debt is extinguished.

**Sec. 12. Temporary loans.** Money may be borrowed in anticipation of receipts from taxes during any fiscal year, but the aggregate amount of such loans outstanding at any time shall not exceed 80% of the revenue from taxes received during the preceding fiscal year. All such loans shall be paid out of the receipts from taxes for the fiscal year in which they are issued, but shall nevertheless be general obligations of the city. Money may also be borrowed in anticipation of the receipts of proceeds from authorized issues of bonds or notes, and shall be subject to the laws of the state in relation thereto.

**Sec. 13. Revenue bonds.** Money may be borrowed by the issuance and sale of revenue bonds in accordance with and subject to the provisions of the Revised Statutes relating thereto as the same may from time to time be amended.

## Article VIII

### Charter Amendment

**Sec. 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 city council containing the full text of the proposed amendment and effective upon adoption, or
- C. By the registered voters of the city, or
- D. By report of a charter commission created by ordinance.

Proposal of an amendment by the registered voters of the city shall be by petition containing the full text of the proposed amendment. The petition must be signed by registered voters of the city equal in number to at least 20% of the total number of registered voters.

**Sec. 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 city council shall submit the proposed amendment to the voters of the city

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 city 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.

**Sec. 3. Adoption of amendment.** If a majority of the qualified voters of the city 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.

## Article IX

### Miscellaneous Provisions

**Sec. 1. Personal financial interest.** Any city officer or employee who has a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the city or in the sale of any land, material, supplies or services to the city or to a contractor supplying the city shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a city officer or employee in the making of such sale or in the making or performance of such contract. Any city 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 shall render the contract or sale voidable by the city manager or city council.

#### **Sec. 2. Prohibitions.**

(a) **Special favors.** No employee of the city shall accept or receive from any person, firm or corporation, doing business with the city, any special favors, free gifts or service.

(b) **Discrimination.** No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any city position or employment with the city because of race, sex, political or religious opinions or affiliations.

(c) **Private use of public property.** No officer or employee of the city shall devote any city property or labor to private use, except as may be provided by law, ordinance or order of the city council.

(d) **Penalty for violation.** Any person who singly or with others willfully violates any of the prohibitions of this section shall be guilty of a misdemeanor and upon conviction thereof shall immediately forfeit his office or position, or shall be summarily dismissed from employment with the city.

**Sec. 3. Oath of office.** Every person elected or appointed to any city office before entering upon the duties of the office shall take and subscribe to an oath of office as provided by law which shall be filed and kept in the office of the city clerk.



**Sec. 4. Savings clause.** All ordinances in force at the time this charter amendment takes effect, not inconsistent with its provisions, shall continue in force until amended or repealed. All contracts, actions and proceedings of the city pending or unexecuted at the time this charter amendment takes effect and not inconsistent therewith shall be continued and completed. All elective officers shall hold office until their successors are elected or their term expires.

**Sec. 5. 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.

**Sec. 6. Amendatory clause.** All Acts or parts of Acts of the private and special laws of Maine relating to the City of Belfast which are inconsistent with the provisions of this charter are repealed.

**Sec. 7. Referendum.** This Act shall take effect 90 days after the adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the City of Belfast, present and voting at a special election to be held in the year 1969, and the warrants shall be issued for such election in the manner now provided by law.

The city 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 New Charter to the City of Belfast,’ 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.

The preparation of voting lists, the conduct of said election and the determination of the results of said election shall be done in the manner now provided by law. If a majority of the ballots cast approve, then the Act shall become effective as provided. If a majority of the ballots cast reject, then the Act shall not become effective.

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

**Sec. 8. Effective date.** If approved by the voters of the City of Belfast, this Act shall become effective upon approval.

Effective October 1, 1969

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## Chapter 143

AN ACT to Make Allocations from the Department of Inland Fisheries and Game Receipts for the Fiscal Years Ending June 30, 1970 and June 30, 1971.