

1975

Charter for Town of Glenburn Maine

Glenburn (Me.). Town Select Board

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CHARTER
FOR
TOWN OF GLENBURN
MAINE

ADOPTED: MARCH 31, 1975
AMENDED: MARCH 9, 1981
AMENDED: JUNE 22, 1981
AMENDED: AUGUST 5, 1983
AMENDED: JUNE 11, 1984
AMENDED: NOVEMBER 4, 1986
AMENDED: NOVEMBER 6, 1990
AMENDED: JULY 1, 2009
AMENDED: JUNE 12, 2012

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ARTICLE I POWERS OF THE TOWN

Sec. 1.01 - Incorporation: Powers of the Town

The inhabitants of the Town of Glenburn shall continue to be a municipal corporation under the name of the Town of Glenburn, and shall have, exercise and enjoy all 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 by-laws, regulations and ordinances not inconsistent with the Constitution, the laws of the State of Maine and this Charter, and impose penalties for the breach thereof as provided by the laws of the State of Maine.

Sec. 1.02 - 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 this charter shall not be construed as limiting in any way the general power stated in this article.

Sec. 1.03 - Intergovernmental Relations

The Town may exercise any of its powers or perform any of its duties and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions thereof, or of the United States or any agency thereof.

ARTICLE II TOWN MEETINGS

Sec. 2.01 - Annual and Special Town Meeting

Except as otherwise provided for by the provisions of this charter, the legislative authority of the Town of Glenburn shall continue to be vested in the inhabitants of the Town of Glenburn acting by means of Town Meetings. The secret ballot portion of the Annual Town Meeting shall be held on the second Tuesday in June. The other articles of business in the warrant shall be considered on the following day starting at 7:00 p.m. The provisions of the Revised Statutes of the State of Maine, as amended, shall govern the manner in which all annual and special town meetings shall be called and conducted and shall also govern the warrant for calling same.

Sec. 2.02 - Powers and Responsibilities

(a) The Annual Town Meeting shall have the exclusive power and responsibility to:

- (1) elect all necessary town officials and committees
- (2) raise and appropriate monies

(b) The Annual and Special Town Meetings shall have the exclusive power and responsibility to:

- (1) act on the issuance of bonds and notes, except notes in anticipation of taxes to be paid within the fiscal year in which issued;
- (2) act on the adoption, amendment or repeal of ordinances pertaining to zoning and any initiative or referendum question as provided for by this charter;
- (3) act on the sale or lease of town owned real estate other than tax acquired real estate;
- (4) act on any amendment to this charter pursuant to law;
- (5) transact other town business presented to it by warrant article; and

- (6) exercise all other powers available to Town Meetings under Maine Law, which are not specifically delegated to the Town Council under this charter.

Sec. 2.03 - Method of Abolishing Town Meeting

Procedure as outlined under Revised Statutes of the State of Maine.

ARTICLE III THE TOWN COUNCIL

Sec. 3.01 – Composition, Eligibility, Election, and Terms

- (a) Composition: There shall be a town council of five members elected at large by the qualified voters of the Town in accordance with Art. VII.
- (b) Eligibility: Only qualified voters of the Town shall be eligible to hold the office of councilor.
- (c) Election and Terms: The terms of councilors shall be three-year terms, or until their successors are elected and qualified, staggered initially as follows: two 3-year, two 2-year, and one 1-year. Thereafter, councilors shall be elected to fill the terms of those whose terms expire.

Sec. 3.02 – Compensation:

Councilmen shall receive \$43.33 per meeting upon attendance, not to exceed in the aggregate \$1,300.00 per year in full for their services. Chairman shall be paid an additional \$6.66 per meeting, not to exceed in the aggregate \$200.00. Such compensation may be changed by a vote on an article contained in the warrant for said purpose at the Annual Town Meeting.

Sec. 3.03 - Chairperson. Deputy Chairperson:

At their first regular meeting of each fiscal year, the council shall elect officers of the town from among its members, these officers shall have the titles of chairperson, Glenburn town council and deputy chairperson, Glenburn town council, and each shall serve at the pleasure of the council. The chairperson shall preside at meetings of the council and shall be recognized as head of the town government for all ceremonial purposes, but shall have no administrative duties. The deputy chairperson shall act for the chairperson during the absence or disability of the chairperson.

Sec. 3.04 - General Powers and Duties: The council shall have the power to:

- (a) Appoint and remove for cause after notice and hearing, the Town Manager, Town Treasurer, Town Clerk, Tax Assessor, Tax Collector, Road Commissioner, and Legal Officer, all of whom shall serve at the pleasure of the council; appoint and remove for cause, after notice and hearing, the members of the Planning Board and Board of Appeals, each of which shall have such powers and perform such duties as are provided by this charter, by ordinance, and by statute;
- (b) Create, change, and abolish by ordinance, offices, departments, and agencies, other than those established by this charter. The council may assign, by ordinance, 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, except that of Town Assessor or Legal Officer;
- (c) Convey or authorize the conveyance of tax acquired real estate by advertised sealed bids. The Council may convey such property to the former record owner at a price equal to or greater than the amount of unpaid taxes, plus interest and costs, if it decides justice would be served by doing so;
- (d) Adopt an annual budget as provided for by this charter;

- (e) Borrow funds and provide for the execution of notes thereof in anticipation of taxes, said notes to be repaid within the fiscal year in which issued;
- (f) Provide for an annual audit;
- (g) Act as the legislative body in the acceptance or rejection of unconditional gifts of cash, securities, or personal property but not real estate in accordance with Tide 30-A, Section 5655;
- (h) Accept cemetery trust funds and cemetery perpetual care funds;
- (i) Dispose of surplus town personal property by sale or otherwise; and
- (j) Make, alter, and repeal ordinances for any purpose permitted by Statute with the exception of those pertaining to zoning. In addition to such ordinances, the Council shall have the power to adopt ordinances which:
 - (1) adopt or amend an administrative code;
 - (2) provide for a fine or other penalty or establish a rule or regulation, for violation of which a fine or penalty is imposed;
 - (3) amend or repeal any ordinance previously adopted by the council; and
 - (4) provide for the compulsory attendance of witnesses, the administering of oaths, and the compulsory production of evidence in connection with investigations into the affairs of the Town and the conduct of any town department, office or agency or in connection with any hearing provided for by this Charter involving the forfeiture of office of any councilor or dismissal of any town employee or member of any Town board.

Sec. 3.05 - Prohibitions

- (a) Holding other Office: Except where clearly authorized by State law or pursuant to an agreement under the Interlocal Co-operation Act, no councilor shall hold any other town office or town employment within the Town of Glenburn while serving as a member of the Council.
- (b) Appointments and Removal: Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any town administrative officer or employee whom the Town Manager or any of the Town Manager's subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the Manager anything pertaining to appointment or removal of such officer or employee. Such discussions shall be held in executive sessions only when permitted by Maine law.
- (c) Interference with Administration: Except for the purpose of inquiries and investigation under Sec. 3.04(j)(4), the Council or its members shall deal with town employees, who are subject to the direction and supervision of the Manager, solely through the Manager. Neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

Sec. 3.06 - Vacancies, Forfeiture of Office, Filling of Vacancies

- (a) Vacancies: The office of councilor shall become vacant upon the councilor's non-acceptance, resignation, abandonment, death, permanent disability, permanent incompetency, failure to qualify for the office within 10 days after written demand by the council, forfeiture of office or failure of the municipality to elect a person to the office.
- (b) Forfeiture of Office: The office of a councilor shall be forfeited if the councilor:
 - (1) lacks at any time during the term of office any qualification for the office prescribed by this charter or by law;

- (2) violates any express prohibition of this charter;
- (3) is convicted of a crime or offense which is reasonably related to the councilor's ability to serve as council or
- (4) is absent from three consecutive meetings of the council without being excused by the council; or
- (5) removes from town or is absent therefrom for more than 90 consecutive days except where such forfeiture is not permitted by State or Federal law.

Any councilor forfeiting an office under this section shall be notified in writing by the council, which writing shall specifically set forth the conduct constituting the grounds for forfeiture of the office and shall inform the officer of entitlement to a hearing if so requested within 10 days of receipt of notice of forfeiture. Any for of office shall become effective upon the council member s receipt of notification, except where the council member's demand for a public hearing has been made within ten days of receipt of the notice of forfeiture. In which case, the effective date of forfeiture shall be stayed pending the outcome of the public hearing. If notification is given by mail, it shall be given by certified mail, return receipt requested, in which case receipt shall be deemed to occur at the time the council member signs the receipt or, if the notice is undeliverable, the date the post office last attempted to deliver it. If demand for public hearing is made by the council member within ten days of receipt of notice of forfeiture, then notice of such hearing shall be published in one or more newspapers of general circulation in the municipality at least one week in advance of the hearing.

- (c) Filling of vacancies: Any vacancy in the council shall be filled for the remainder of the unexpired term, if any, at the next regular election held more than 60 days after the occurrence of the vacancy. At the next regular meeting of the council following the determination that a vacancy exists, the council, by a majority vote of all its remaining members, shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the council cannot agree on a candidate to fill the vacancy and become deadlocked in a tie vote, the appointment shall be determined by lot. Notwithstanding the requirement of a quorum in Section 3.09(c), if at any time the membership of the council is reduced below that requirement, the remaining members may by majority action appoint additional members to raise the membership to the number required; such appointed members shall serve until succeeded by a person duly elected and qualified to fill the vacancy.

Sec. 3.07 - Judge of Qualifications. Judge of Forfeiture:

The council shall be the judge of the election and qualification of all officers elected by the voters under this charter and of the grounds for forfeiture of their office and for that purpose shall have the power to provide for the compulsory attendance of witnesses, the administering of oaths, and the compulsory production of evidence. Decisions made by the council under this section shall be subject to review by the courts.

Sec. 3.08 - Secretary to the Council

The Town Council shall appoint the Town Manager, the Town Clerk, or an Assistant Clerk to serve as secretary to the council. The Secretary shall give notice of council meetings to council members and the public, keep the journal of proceedings and perform such other duties as are assigned to the Secretary by this charter or by the council.

Sec. 3.09 - Procedure

- (a) Meetings: The council shall meet regularly at least once in every month at such time and place as the council may prescribe by ordinance. Special meetings may be held on call of the council chairperson,

Town Manager, or of three or more members by causing a notification to be given in hand or left at the usual dwelling place of each council member. All meetings shall be public. However, the council may recess to a closed or executive session for any purpose permitted by law, provided that:

- (1) both the general subject matter for consideration and the subsection of 1 MRSA, Section 405.6 which authorizes the executive session are indicated in the motion calling for such session;
 - (2) final action thereon shall not be taken by the council except in public meeting; and
 - (3) the council has taken reasonable steps both to notify any persons who may have a right to attend the executive session and to give them the option of so attending.
- (b) Rules and Journal: The council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings by its secretary. This journal shall be kept for a public record.
- (c) Voting: Voting, except on procedural motions shall be by roll call and the ayes and nays shall be recorded in the journal. Three members of the council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as provided in the preceding sentence and in Section 3.06(c), shall be binding or valid unless adopted by the affirmative vote of three or more members of the council. Each councilor in attendance shall vote “yes” or “no” on all issues and questions presented for vote except when a valid conflict of interest as determined by the Council clearly exists.

Sec. 3.10- Ordinances in General

- (a) Form: Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be “The Town of Glenburn hereby ordains”. Any ordinance which amends an existing ordinance or part of the Glenburn Code shall specifically refer to the ordinance sections or subsections to be amended, and shall indicate language to be omitted by enclosing it in brackets or by strike-out type and shall indicate new language by underscoring or by italics. Any ordinance which repeals all or certain sections of an existing ordinance or part of the Glenburn Code may clearly state by reference the language to be repealed with a copy of the language to be repealed attached to the repeal ordinance. It shall not then be necessary to incorporate in the body of the repeal ordinance the specific language to be repealed.
- (b) Procedure: An ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the secretary to the council shall distribute a copy to each council member and to the Manager, shall file a reasonable number of copies in the office of the clerk and such other public places as the council may designate, and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least seven days, may be held separately or in conjunction with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have a reasonable opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or reject it; but, if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance. As soon as practicable after adoption of any ordinance, the secretary to the council shall have it published again together with a notice of its adoption.
- (c) Effective Date: Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein.

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

Sec. 3. 11 - Emergency Ordinances:

To meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances; but said ordinances may not authorize the borrowing of money except where any emergency notes or renewals thereof are paid within 24 months of the adoption of such ordinances. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least four members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance, except one authorizing the issuance of emergency notes, shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Sec. 3.12 - Authentication., Recording, Codification, and Printing:

- (a) Authentication and Recording: All ordinances adopted by the council shall be authenticated by the signature of the secretary of the council who shall record it in full in a properly indexed book kept for the purpose.
- (b) Codification: Within three years of adoption of this charter and at least every ten years thereafter, the council shall provide for the preparation of a general codification of all ordinances having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be printed promptly in bound or loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Maine and such codes of technical regulations and other rules and regulations as the council may specify. Any codification ordinance may be published by title. This compilation shall be known and cited officially as the Glenburn Code. Copies of the Code shall be furnished to officials, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.
- (c) Printing of Ordinances: The council shall cause each ordinance having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the council. Following publication of the first Glenburn Code and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the State of Maine, or the codes of technical regulations and other rules and regulations included in the code.

ARTICLE IV THE TOWN MANAGER

Sec. 4.01 – Appointment, Qualifications, Compensation:

The council shall appoint a town manager for an indefinite term, subject to annual performance review, and fix the compensation for the position. The manager shall be appointed solely on the basis of executive and administrative qualifications. The manager need not be a resident of the town or state at the time of appointment but may reside outside the town while in office only with the approval of the council.

Sec. 4.02 – Removal:

The council may remove the manager from office in accordance with the following procedures:

- (1) The council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed 30 days. A copy of the resolution shall be delivered to the manager within 96 hours after said vote.
- (2) Within 5 days after receiving a copy of the resolution, the manager may file with the council a written request through a public hearing. The hearing shall be held at a council meeting not earlier than 10 nor later than 20 days after the request is filed. The manager may file with the council a written reply not later than 5 days before the hearing.
- (3) The council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after 10 days from the date when a copy of the preliminary resolution was received by the manager, or at any time after the public hearing if the manager had requested one.
- (4) The manager shall continue to receive the designated salary until the effective date of final resolution of removal.

Sec. 4.03 - Acting Town Manager:

By letter filed with the secretary to the council, the manager shall designate subject to approval of the council, a qualified person to exercise the powers and perform the duties of the manager during the manager's temporary absence or disability. During such absence or disability, the council may revoke such designation at any time and appoint another person to serve until the manager shall return or the managers disability shall cease. In the event the manager has failed to make such designation, the council may appoint a qualified person to perform the duties of the manager during such absence or disability and until the manager shall return or the manager's disability shall cease.

Sec. 4.04 - Powers and Duties of the Town Manager: The Town Manager shall:

- (1) Be the chief executive and administrative official of the municipality;
- (2) Be responsible to the council for the administration of all departments and offices over which the council has control;
- (3) See that all laws and ordinances of the municipality subject to enforcement by the manager or by others under the manager's control are faithfully executed;
- (4) Serve in any office as the head of any department under the control of the council when so directed by the council;
- (5) Appoint, subject to confirmation by the council, supervise and control the heads of departments under the control of the council when the department is not headed by the town manager under paragraph 4;
- (6) Unless otherwise provided by municipal ordinance, the manager shall appoint, supervise, and control all town officials whom the municipal officers are required by statute to appoint, except members of

boards, commissioners, committees and single assessors; and appoint, supervise and control all other officials, subordinates and assistants, except that the manager may delegate this authority to a head of a department, and report all appointments to the council;

- (7) Act as purchasing agent for all departments, except the school department, provided that the town council may require that all purchases greater than a designated amount shall be submitted to sealed bid;
- (8) Attend all meetings of the council, except when the managers removal is being considered;
- (9) Make recommendations to the council for the more efficient operation of the municipality;
- (10) Attend all meetings and hearings of the municipality as directed by the Council;
- (11) Keep the council and the residents of the municipality informed as to the financial condition of the town;
- (12) Collect data necessary for the preparation of the budget;
- (13) Assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices; and
- (14) Have exclusive authority to remove for cause after notice and hearing all persons whom the manager is authorized to appoint and report all removals to the council.

ARTICLE V ADMINISTRATIVE ORGANIZATION

Part I GENERAL ADMINISTRATION

Sec. 5.01 - General Provisions:

- (a) Creation of Departments: The council may establish town departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this charter to a particular department, office or agency may be discontinued or, unless this charter specifically so provides, assigned to any other.
- (b) Direction by Manager: All departments, offices and agencies under the direction and supervision of the manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of the council, the manager may serve as head of one or more such departments, offices or agencies or appoint one person as the head of two or more of them.

Part II PERSONNEL ADMINISTRATION

Sec. 5.11 - Merit Principal:

All appointments and promotions of town officials and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

Sec. 5.12 - Personnel Director:

The manager or a person appointed by the manager shall be designated personnel director. The personnel director shall administer the personnel system of the town.

Sec. 5.13 - Personnel Rules:

The personnel director shall prepare personnel rules. When approved by the manager, the rules shall be proposed to the council, and the council may adopt them with or without amendment. These rules shall provide for:

- (1) The classification of all town positions, based upon the duties, authority and responsibility of each position, with adequate provision for the reclassification of any position whenever warranted by changed circumstances;
- (2) A pay plan for all town positions;
- (3) Methods for determining the merit and fitness of candidates for appointment or promotion;
- (4) The policies and procedures regulating reduction in force;
- (5) The policies governing disciplinary measures such as suspension, demotion, or discharge, with provisions for presentation of charges, hearing rights and appeals;
- (6) The hours of work, attendance regulations, and provisions for sick leave and vacation leave;
- (7) The policies and procedures governing persons holding provisional appointments;
- (8) The policies and procedures governing relationships with employee organizations, not inconsistent with law;
- (9) Policies regarding in-service training programs;
- (10) Grievance procedures; and
- (11) Other practices and procedures necessary to the administration of the town personnel system.

Part III ASSESSMENT ADMINISTRATION

Sec. 5.21 – Assessor:

There shall be an assessor/assessors appointed by the Town Council. The Assessor shall perform all duties and responsibilities provided for assessors under general law. The compensation, hours, and working conditions of the assessor shall be determined by the council. The assessor may be removed for cause by the town council after notice and hearing. Cause shall not include any disagreement with respect to an assessing practice employed by an assessor where such practice is generally accepted and lawful.

Sec. 5.22 - Board of Assessment Review:

- (a) Appointments, Vacancies: There shall be a board of assessment review to consist of five regular members and one associate member who shall be appointed by the town council for staggered three year terms. Three members shall be a quorum and the board shall elect their own chairperson. The associate member may attend all meetings of the board and participate in its proceedings but may vote only when designated by the chairperson to sit for a regular member. Vacancies in the membership of such board shall be filled by appointment by the council for the unexpired term.
- (b) Powers and Duties: The board of assessment review shall have the powers and duties conferred upon such boards by the laws of the State of Maine.

Part IV LEGAL

Sec. 5.31 - Legal Officer:

There shall be a legal officer of the town, appointed by the council, who shall serve as chief legal advisor to the council, the manager and all town departments, boards, agencies, and commissions. The legal officer shall represent the town in all legal proceedings, except where state law or rule of court allows representation by a non-attorney and the council approves said representation by ordinance or otherwise, and shall perform any other duties prescribed by ordinance and law. The legal officer shall be an attorney

who has been admitted to the bar of the State of Maine, or an association of attorneys so admitted, and who must continue to remain in good standing.

Notwithstanding the above, the school committee may, at its discretion, choose its own legal counsel to advise the school committee and the Superintendent of Schools and to represent the school committee in legal proceedings. The school committee's legal counsel shall also be an attorney who has been admitted to the bar of the State of Maine, or an association of attorneys so admitted, and who must continue to remain in good standing.

Part V SCHOOL ADMINISTRATION

Sec. 5.41 - The School Committee:

- (a) Qualification, Election and Term: There shall be a town school committee of five members nominated and elected by the qualified voters of the town at large, as provided in Article V Only qualified voters of the town shall be eligible to hold the office of school committee member. School committee members shall be elected to serve staggered three-year terms. At each regular municipal election school committee members shall be elected to fill the positions of those whose terms expire.
- (b) Compensation: The duly elected school committee members and the chairperson shall be compensated on the same basis and in the same amount as provided for councilors in Section 3.02 of this Charter.

Sec. 5.42 - Vacancy, Forfeiture of Office: Filling of Vacancies:

The office of school committee member shall be deemed vacant or forfeit in the same manner as the office of councilor is deemed vacant or forfeit under Sec. 3.06(a) and 3.06(b) of this charter. The school committee may fill vacant or forfeited offices in the same manner as the council fills such offices under Sec. 3.06(c) of this charter.

Sec. 5.43 - Powers and Duties:

The school committee shall have all the powers and duties prescribed for superintending school committees by the general laws of the State of Maine, except as otherwise provided by this charter. The school committee shall be head of the town education department and for financial purposes shall be governed by Article VI.

Sec. 5.44 – Chairperson, Vice-Chairperson, Secretary:

At their first regular meeting of each fiscal year, the school committee shall elect by majority vote from among its members, a chairperson and a vice-chairperson for the ensuing year. The Superintendent of Schools shall be, ex-officio, secretary of the school committee. The chairperson shall preside at all meetings of the school committee and shall have a vote as other members of the said committee. The vice-chairperson shall act as chairperson during the absence or disability of the chairperson. The secretary of the committee shall give notice of school committee meetings to its members and to the public in such a manner as deemed suitable by the committee; shall keep a journal of the proceedings of the school committee; and shall perform such other duties as are assigned to the Secretary by this charter or by the school committee.

Sec. 5.45 – Procedure:

- (a) Meetings The school committee shall meet regularly at least once in every month at such time and place as the school committee may prescribe by rule. Special meetings may be held on the call of the chairperson, Superintendent of Schools or of any three members of the committee by causing a notification to be given in hand or left at the usual dwelling place of each committee member. All

meetings shall be public. However, the school committee may recess to a closed or executive session for any purpose permitted by law, provided that:

- (1) both the general subject matter for consideration and the subsection of 1 MESA, Section 405.6, as amended, which authorizes the executive session are indicated in the motion calling for such session;
 - (2) final action thereon shall not be taken by the school committee except in public meeting; and
 - (3) the school committee has taken reasonable steps both to notify any persons who may have a right to attend the executive session and to give them the option of so attending.
- (b) Rules and Journal: The committee shall determine its own rules and order of business and shall provide for the keeping of a journal of its proceedings. This journal shall be kept for a public record.
- (c) Voting: Voting, except on procedural motions shall be by roll call and the ayes and nays shall be recorded in the journal. Three members of the school committee shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the school committee. No action of the school committee, except as provided in the preceding sentence and in Section 3.06 shall be binding or valid unless adopted by the affirmative vote of three or more members of the school committee. Each school committee member in attendance shall vote “yes” or “no” on all issues and questions presented for vote except when a valid conflict of interest as determined by the school committee clearly exists.

Sec. 5.46 – Prohibitions:

Except for the purpose of inquiry, the committee and its members shall deal with the administrative services solely through the Superintendent of Schools and neither the committee nor any member thereof shall give orders to any subordinate of the Superintendent of Schools, either publicly or privately.

Sec. 5.47 - Budget:

- (a) The school committee shall prepare, as accurately as possible, an estimate of the sum required to be raised by local taxation for the support of schools during the ensuing fiscal year. At least 90 days before the beginning of the fiscal year, the school committee shall furnish copies of such estimates to the Town Manager.
- (b) The school committee shall prepare its final detailed budget and submit it to the town council at least 61 days before the beginning of the fiscal year. The proposed budget shall be published and there shall be a public hearing on the budget. The hearing shall be held no later than 47 days prior to the beginning of the fiscal year and shall be held as part of the public hearing established by the town council pursuant to Sec. 6.02 of this charter.

ARTICLE VI FINANCIAL PROCEDURES

Sec. 6.01 - Fiscal Year:

The fiscal year of the town government shall begin on July 1 and shall end on the following June 30.

Sec. 6.02 - Preparation and Submission of the Budget:

The Town Manager, at least 85 days prior to the beginning of each fiscal year, shall submit to the council a budget and an explanatory budget message. This budget shall be compiled from detailed information furnished by the administrative officers, superintending school committee and other boards, on forms which shall be designated by the Town Manager. This budget shall contain:

- (1) Statement of the financial condition of the town;
- (2) An itemized statement of appropriations and expenditures. The statement shall show in parallel columns the actual expenditures for the next preceding fiscal year, the estimated expenditures for the current fiscal year, the actual appropriations for the current fiscal year, the recommended appropriations for the next fiscal year, and any increase or decrease in the recommended appropriations as compared with the actual appropriations for the current fiscal year.
- (3) An itemized statement of estimated revenues and actual revenues from all sources other than taxation. The information shall be presented in the same format as specified for the appropriations and expenditures in section (2) above;
- (4) 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 estimate of the budget; and
- (5) Such other information as may be required by the Town Council.

The proposed budget prepared by the Town Manager shall be reviewed by the Town Council which shall adopt the budget with or without amendments no later than 54 days prior to the beginning of the next fiscal year.

The complete town budget as adopted by the town council shall be published and the town council shall fix a time and place for hearing on the budget which shall be held prior to Annual Town Meeting, and shall give public notice of such hearing. The hearing shall be held no later than 47 days prior to the beginning of the next fiscal year. The Town Council shall then review the budget and recommend it with or without change to the Annual Town Meeting. Such recommendation shall be made no later than 40 days prior to the beginning of the next fiscal year.

Sec. 6.03 - Budget and Expenditures:

The town budget shall have two divisions; Municipal Budget and Education Budget and each shall include all proposed expenditures thereunder. The Annual Town Meeting shall make a gross appropriation for each of said budgets for the ensuing fiscal year under separate articles. In the event that the town meeting votes to appropriate an amount different from that recommended for either the municipal budget or the school budget, the difference will be handled in the following manner by the Town Council if there is a difference in the municipal appropriation or by the school committee if there is a difference in the education appropriation. The appropriate body shall, no later than 30 days following the town meeting vote, determine which specific appropriations shall be modified, and by how much, so as to bring the total appropriations for all accounts into agreement with the gross appropriation voted by the town meeting. Within 10 days of such determination, the Secretary of the appropriate body shall forward to the Town Clerk, for recording, an attested copy of the modified appropriations.

Sec. 6.04 - Work Program: Allotments:

Before the beginning of the fiscal year, the head of each office, department or agency shall submit to the Town Manager a work program for the year, which program shall show the requested allotments of appropriations for each office, department or agency, by stated periods, for the entire fiscal 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 or change such allotments before approving same. The aggregate of such allotments shall not exceed the total of appropriations available to said office, department or agency for the fiscal year.

Sec. 6.05 - Transfers of Appropriations:

At the request of the Manager and within the last three months of the fiscal year, the council may, by ordinance, transfer any unencumbered appropriation balance or portion thereof between general classification of expenditures within a department or from one department to another department.

Sec. 6.06 - Repealed March 9, 1981.

Sec. 6.07 - Payments and Obligations Prohibited:

No payment shall be made or obligation incurred against any allotment or appropriations except in accordance with appropriations duly made and unless the manager or the managers designee first certifies that there is sufficient unencumbered balance in such appropriation or allotment and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void, and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and the officer shall also be liable to the town for any amount so paid. Except where prohibited by law, nothing in this charter shall be construed to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided such action is made or approved by ordinance.

Sec. 6.08 - Capital Program:

The Town Manager, in conjunction with the Superintendent of Schools, shall prepare and submit to the Town Council a 5-year capital program at least three 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 five fiscal years next ensuing, with appropriate information supporting the need 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.

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 review the capital program with or without amendments after such public hearing.

ARTICLE VII NOMINATIONS AND ELECTIONS

Sec. 7.01 – Elections:

- (a) Conduct of Elections: The regular municipal election shall be held on the second Tuesday in June. Except as otherwise provided for by this Charter, the provisions of the Revised Statutes of the State of Maine governing the election of town officials shall govern the election of all officials of the municipality as required by this Charter, except the moderator, and said elections shall be conducted by the election officials accordingly.
- (b) Qualified Voter: The term qualified voter as used in this charter and Maine Statutes shall mean any person qualified and registered to vote in the Town of Glenburn pursuant to the law's of the State of Maine.

Sec. 7.02 – Nominations:

- (a) Petitions: Candidates for election to the Council and the School Committee shall be nominated by petition. Any qualified voter of the Town may be nominated for election as a councilor or school committee member by a petition signed by not less than the number of qualified voters of the Town that is required by State law. No voter shall sign more than one petition for each office to be filled and should a voter do so, that voter's signature shall be void except as to the first petition filed.
- (b) Filing and Acceptance of Nomination Petitions: All separate papers comprising a nominating petition shall be assembled and filed with the municipal clerk as one instrument not earlier than 90 days nor later than 21 days before the election. The clerk shall make a record of the exact time when each petition is filed. No nominating petition shall be accepted unless accompanied by a signed acceptance of the nomination.
- (c) Procedure After Filing Nomination Petitions: Within 5 days after the filing of a nomination petition, the clerk shall notify the candidate and the person who filed the petition whether or not it satisfies the requirements prescribed by this charter. If a petition is found insufficient, the clerk shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions such a petition may be amended and filed again as a new petition or a different petition may be filed for the same candidate. The clerk shall keep on file all petitions found sufficient at least until the expiration of the term for which the candidates are nominated in those petitions.

Sec. 7.03 – Voting Machines:

The Council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law.

Sec. 7.04 - Names on Ballots:

The full names and street addresses of all candidates nominated for membership in the council, for office of school committee member, except those who have withdrawn, died or become ineligible, shall be printed on the official ballot without party designation or symbol under headings reading: "Nominees for Councilor" and "Nominees for School Committee Member".

Sec. 7.05 - Ordering Surnames:

Where two or more candidates have been nominated for any office, the names of said candidates shall appear on the ballot in alphabetical order.

Sec. 7.05 – Moderator:

Whenever the election of a moderator is required at any annual or special town meeting, the provisions of the Maine Revised Statutes as amended shall govern.

Sec. 7.07 - Determination of Election Results:

- (a) Number of Votes: Every voter shall be entitled to vote for as many candidates as there are vacancies to be filled.
- (b) Plurality: Elections shall be determined by plurality vote. (In case of a tie the election shall be decided by lot in the presence of the candidates concerned or their agents and under the direction of the warden.)
- (c) Release of Results: The warden shall see that the counting of the ballots be carried out in a timely manner. The results of the election shall be made public as soon as the results are determined and certified by the warden.

ARTICLE VIII INITIATIVE AND REFERENDUM

Sec. 8.01 - General Authority:

- (a) Initiative: The qualified voters of the town shall have the power to propose ordinances to the council. If the council fails to adopt any ordinance so proposed, without any change in substance, then the qualified voters shall have the power to adopt or reject such ordinance at a town meeting provided that such power shall not extend to the budget or capital program or any ordinance relating to the appropriation of money, levy of taxes, or salaries of officers or employees.
- (b) Referendum: The qualified voters of the town shall have the power to require reconsideration by the Council of any ordinance adopted by the Council. If the Council fails to repeal such an ordinance so reconsidered, then the qualified voters shall have the power to approve or reject it at a town meeting, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes, or salaries of officers or employees. (Supersedes provisions of Statutes of State of Maine)

Sec. 8.02 - Commencement of Proceedings: Petitioners Committee Affidavit:

Any five qualified voters may commence initiative or referendum proceedings by filing with the clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and street addresses and specifying the mailing address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioners' committee is filed, the clerk shall issue appropriate petition blanks to the petitioners' committee.

Sec. 8.03 – Petition:

- (a) Number of Signatures: Initiative and referendum petitions must be signed by qualified voters of the town equal in number to at least 20 percent of the total number of qualified voters registered to vote at the last municipal election as certified by the town clerk.
- (b) Form and Content: All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the mailing address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered,
- (c) Affidavit of Circulator: Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (d) Time for Filing Referendum Petitions: Referendum petitions must be filed within 30 days after adoption by the council of the ordinance sought to be reconsidered.

Sec. 8.04 - Procedure after Filing:

- (a) Certificate of Clerk; Amendment: Within 20 days after the petition is filed, the clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners committee by certified mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within five days after receiving the copy of the clerks certificate and files a supplementary petition upon

additional papers within ten days after receiving the copy of such certificates. Such supplementary petition shall comply with the requirements of subsection (b) and (c) of Section 8.03. Within five days after the supplementary petition is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient, and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section within the time required, the clerk shall promptly present the certificate to the council and the certificate shall then be a final determination as to the sufficiency of the petition.

- (b) Council Review: If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within five days after receiving copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting held not less than seven days following the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.
- (c) Court Review; New Petition: A final determination as to the sufficiency of a petition shall be subject to a court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Sec. 8.05 - Referendum Petitions: Suspension of Effect of Ordinance:

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

- (a) there is a final determination of insufficiency of the petition;
- (b) the petitioners' committee withdraws the petition;
- (c) the council repeals the ordinance; or
- (d) the referendum is defeated by the voters.

Sec. 8.06 - Actions on Petitions:

- (a) Action by Council: When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters.
- (b) Submission to the Voters: The vote on a proposed or referred ordinance shall be held not less than 30 days and not later than one year from the date of the final council vote thereon. If no regular town meeting is to be held within the period prescribed in this subsection, the council shall provide for a special town meeting; otherwise, the vote shall be held at the same time as the regular town meeting, except that the council may in its discretion, provide for a special town meeting at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls. An ordinance to be voted upon shall be presented for voting by ballot tide The ballot title of a measure may differ from its legal tide but shall be a clear concise statement describing the substance of the measure without argument or prejudice. Below the ballot tide shall appear the following question in the case of an initiative: "Shall the above described ordinance be adopted?" In the case of a referendum the question shall be: "Shall the above described ordinance be repealed?" Immediately below such question shall appear in the following order the words, "Yes" and "No and to the right of

each a square in which the voter may designate the voter's choice clearly by a cross mark (X) or a check mark ().

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

Sec. 8.07 - Results of Vote:

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

ARTICLE IX GENERAL PROVISIONS

Sec. 9.01 - Elected Officers Term:

The term of any elected officer shall begin on the first day of the municipality's fiscal year following the election of said officer. Any officer shall serve the prescribed term or until a successor is elected and qualified.

Sec. 9.02 - Swearing in Officers:

Before assuming the duties of office, every Town officer or official shall be sworn in by the moderator (at Town Meeting), by the Clerk, or by any other person authorized by law to administer an oath in the State of Maine. The oath shall be in essentially the following form:

OATH OF TOWN OFFICE

I ,....., do affirm that I will support the Constitution of the United States and of this State so long as I shall continue a citizen thereof.

I ,....., having been chosen (title of office held) of the Town of Glenburn, do solemnly affirm that I will faithfully and impartially discharge all the duties of that office incumbent upon me according to the Constitution and laws of the State of Maine and the charter and ordinances of the Town of Glenburn. This I do under the pains and penalty of perjury.

Sec. 9.03 - Organizational Meeting:

The Town Council and the Superintending School Committee shall convene at the first regularly scheduled meeting of the fiscal year for purposes of organizing as provided for by Statute and this Charter.

Sec. 9.04 - Personal Financial Interest:

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

Sec. 9.05 – Prohibitions:

(a) Activities Prohibited:

- (1) No person shall be appointed to or removed from, or in any way discriminated against with respect to any town position or appointive town administrative office because of race, color, sex, physical or mental handicap, religion, age, ancestry or national origin.
- (2) No person who holds a compensated appointive town position shall solicit any assessments, contributions, or services for any political party from any town employee.

(b) Penalties: Any person found in violation of this section or any ordinance enacted pursuant to this section by a court of competent jurisdiction or by the Council acting in a quasi judicial capacity shall be ineligible for a period of five years thereafter to hold any town office or employment and shall immediately forfeit the office or position.

Any person so found in violation by a decision of the Council acting in a quasi judicial capacity shall have a right to appeal said decision to the Superior Court if filed within 30 days of the decision.

Sec. 9.06 – 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. If any provision of this charter is held invalid by reason of any conflict with State or Federal law, the provisions of the applicable State or Federal law shall automatically become incorporated in this charter in place of the invalid charter provision.

ARTICLE X TRANSITIONAL PROVISIONS

Sec. 10.01 - First Election:

(a) Deleted - November 04, 1986

(b) Time of Taking Full Effect: This charter shall be in full effect for all purposes on March 13, 1976.

Sec. 10.02 - Deleted November 4, 1986

Sec. 10.03 - Deleted November 4, 1986

Sec. 10.04 - Deleted November 4, 1986

Sec. 10.05 - Officers and Employees:

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

- (b) Continuance of Office or Employment: Except as specifically provided by this charter, if at the time this charter takes full effect a town administrative officer or employee holds any office or position which is or can be abolished by or under this charter, that officer or employee shall continue in such office or position until the taking effect of some specific provision under this charter directing that the officer or employee vacate the office or position.
- (c) Personnel System: An employee holding a town position at the time this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for under this charter.

Sec. 10.06 - Deleted November 4, 1986

Sec. 10.07 Pending Matters:

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

Sec. 10.08 - State and Municipal Laws:

- (a) In General: All town ordinances, resolutions, orders and regulations which are in force when this charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this charter or of the ordinances adopted pursuant thereto. To the extent that the Constitution and law's of the State of Maine permit, all laws relating to or affecting this town or its agencies, officers or employees which are in force when this charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances adopted pursuant thereto.
- (b) Specific Provisions: Upon the effective date of this charter, all private and special State Laws relating to the Town of Glenburn which are inconsistent in whole or part with the provisions of this charter are hereby repealed.

ARTICLE XI CHARTER REVIEW

Sec. 11.01 - Charter Review:

A committee of five members shall be appointed every fifth year by the council to review and recommend changes in the charter. Such recommended changes shall be presented to the Town Council who may then, with or without revisions, proceed to have the changes enacted pursuant to Section 2 .02(b)(4) of the Glenburn Charter and pursuant to 30-A MRSA, Chapter 111, Home Rule.

ARTICLE X RECALL

Sec. 12.01 – Recall:

Any member of the Glenburn Town Council or the Glenburn School Committee may be recalled and removed from elected office by the voters of the Town as provided herein.

Sec. 12.02 - Commencement of Proceedings:

Any five (5) qualified voters of the Town may begin the recall procedure by requesting in writing from the Town Clerk recall petition forms. The written request shall include the name of the Town Councilor(s) or School Committee Member(s) whose removal is sought. The five (5) qualified voters shall all sign the written request and shall be known as the recall committee.

Sec. 12.03 - Recall Petition:

- a) petition forms shall be provided by the Town Clerk to the Recall Committee, and shall be uniform in size and style. All petition forms shall be assembled as one instrument for filing.
- b) recall Petition shall contain the name of the elected official whose removal is sought, their office, the date they entered office, the date their current term expires, and the names of the Recall Committee.
- c) Recall Committee shall have thirty (30) days from the date of request to cause the petitions to be signed by 25% of the qualified voters of the town. The signature of each such qualified voter shall be accompanied by their name printed and their mailing address.
- d) petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the petition, the number of signatures thereon, that all the signatures were affixed in the presence of the circulator, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity to read the text of the petition before signing.

Sec. 12.04 – Certification:

Within seven (7) days after the petition circulation period ends, the Town Clerk shall certify to the Town Council that the petition has been signed by not less than 20% of the qualified voters of the Town.

Should fewer signatures appear than are required, the petition shall be considered null and void.

Sec. 12.05 - Municipal Election:

- a) Upon receipt of certification the Council shall within thirty (30) days hold a town meeting for the purpose of submitting to vote the question of recall. A Councilor or School Committee Member shall be recalled when a majority of those voting thereon shall have voted in the affirmative. The Council shall within thirty (30) days after the voters have recalled a Councilor or School Committee Member hold a special town meeting to elect a person to fill the vacancy.
- b) A councilor or school committee member who is recalled by the voters shall be allowed to seek re-election at the special election called for the purpose of filling the vacancy created by the recall by filing a notice with the Town Cleric requesting that the councilor or school committee members name appear on the ballot, no later than the fifteenth day preceding the election. The councilor or school committee member shall not be required to circulate a nomination petition. Other qualified voters who seek to fill the vacancy created by the recall shall have until the fifteenth day preceding the election to file with the Town Clerk a petition as required by the Charter for a regular Municipal election.
- c) The ballot for recall shall contain the following question: “Shall (name of the person subject to recall) be recalled from the office of (name office)?” Immediately below such question shall appear in the following order the words “Yes” and “No” and to the right of each a square in which the voter may designate the voter’s choice clearly by a cross mark (X) or a check mark (√).
- d) Pending action by the voters of the Town, the Councilor or School Committee Member named in the recall petition shall continue to exercise all the privileges, rights, and duties of the councilor’s or school committee member’s office.

HISTORY OF THE CHARTER FOR THE TOWN OF GLENBURN, MAINE

Adopted by Special Town Meeting: 3/31/75

Amendments approved at Town Meeting 3/9/81

2.01	3.09	5.44
3.04(a)	3.10(a)	5.45(c)
3.04(c)	3.10(a)	5.47(b)
3.04(i)	4.04(10)	6.01
3.05(a)	4.04(10)	6.02(5)
3.08	5.21	8.01(b)
3.08	5.42	ARTICLE XII added

Amendments adopted at Town Meeting 6/22/81

7.01(a)

Amendments adopted at Town Meeting 8/8/83

2.01

6.06 Repealed

7.01(a)

Amendments adopted at Town Meeting 6/11/84

3.02

5.41(b)

Amendments adopted at Town Meeting 11/4/86

2.01	3.09	6.08 Subsections 1 thru 3
2.02(b)(2)	3.10(a)	7.01(a)
2.02(b)(3)	3.10(b)	7.05
2.02(b)(4)	3.11	8.01(a)
2.02(b)(5)	4.01	8.01(b)
3.03	4.04, Subsections 1 thru 13	8.04
3.04(a)	5.13, Subsections 1 thru 11	8.06(b)
3.04(b)	5.21	8.07(a)
3.04(c)	5.22	8.07(b)
3.04(d)	5.42	9.05(a)(2)
3.04(e)	5.44	10.01

3.04(f)	5.45(c)	10.02
3.04(g)	5.47(a)	10.03
3.04(h)(3)	5.47(b)	10.04
3.04(i)	6.01	10.06
3.05(a)	6.02	11.01
3.05(b)	6.02(1)	Article XII
3.06(a)	6.02(2)	Sections Renumbered
3.06(b)	6.02(3)	12.03(d)
3.06(c)	6.02(4)	12.05(a)
3.07	6.07	

Amendments adopted at November 6, 1990 Special Town Meeting

2.01	3.06(b)(4)	5.12	6.08	9.03
301(b)	3.06(b)(5)	5.21	7.01(a)	9.04
3.01(c)	3.06(c)	5.22(a)	7.02(a)	9.05(a)(1)
3.03	3.08	5.31	7.04	9.05(b)
3.04(a)	3.09(a)	5.41(a)	7.07(c)	10.05(b)
3.04(b)	3.09(a)(1)	5.41(b)	8.01(b)	11.01
3.04(g)	3.09(a)(2)	5.42	8.03(c)	12.03(d)
3.04(h)	3.09(a)(3)	5.44	8.04(a)	12.04
3.04(h)(4)	3.09(c)	5.45(a)	8.04(b)	12.05(a)
3.04(i)	4.01	5.45(a)(1)	8.05(a)	12.05(b)
3.04(j)	4.02(3)	5.45(a)(2)	8.05(b)	12.05(c)
3.05(a)	4.02(4)	5.45(a)(3)	8.05(c)	12.05(d)
3.05(b)	4.03	5.45(c)	8.05(d)	TABLE OF CONTENTS
3.06(a)	4.04(14)	6.02	8.06(b)	ARTICLE I Sec. 3.03
3.06(b)	4.04(3)	6.02(2)	8.06(c)	Part V Sec. 5.44
3.06(b)(1)	4.04(6)	6.03	9.01	PROPOSED OATH OF OFFICE
3.06(b)(3)	4.04(8)	6.07	9.02	

Amendments adopted November 4, 2008, Effective July 1, 2009:

Article V- Administrative Organization, Part III, Sec. 5.21
Article XII-Recall, Sec. 12.04

Amendment adopted June 12, 2012 per Town Meeting Warrant Article 5, effective July 1, 2012:

Article III, Section 3.02, Compensation