

1989

Town of Penobscot Maine Charter

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CHARTER
of
TOWN OF PENOBSCOT

as

PRESENTED BY THE CHARTER COMMISSION
of the
TOWN OF PENOBSCOT, MAINE

and as

ADOPTED BY THE
TOWN OF PENOBSCOT

on

_____ 19__

EFFECTIVE DATE _____

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CHARTER

TOWN OF PENOBSCOT

ARTICLE I. Incorporation and Powers of the Town.

Section I. Incorporation. Whereas, the inhabitants of Plantation number Three, in the county of Lincoln, territory of Maine, labor under many difficulties and inconveniences, petitioned the General Court of Massachusetts to be incorporated into the town of Penobscot, Chapter 61, January 1786. By this act the plantation of Penobscot became the town of Penobscot February 23, 1787.

Therefore, the town of Penobscot, county of Hancock, Maine, with the corporate limits as now established or as hereinafter established in manner as prescribed by law, shall continue to be a body corporate and politic under the name of the town of Penobscot, and shall have, exercise and enjoy all right, immunities, powers, privileges and franchises, and shall be subject to all duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said town as a municipal corporation, or to the inhabitants and municipal authorities thereof; and may enact a charter, bylaws, and ordinances for municipal purposes not inconsistent with the constitution and laws of the state of Maine.

Section II. Powers of the Town. The town shall have all powers possible for a municipality to have under the constitution and laws of Maine. The powers

ARTICLE I - Incorporation and Powers of the Town (continued).

of the town under this charter shall be construed liberally in favor of the town, and no mention of particular powers in the charter shall be construed to be exclusive or as limiting in any way under the general powers stated in this article.

Section III. Intergovernmental Relations. The town 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 of the United States or any agency thereof to the extent permitted by law.

Section IV. Town Meetings. After adoption of this charter by the town as hereinafter provided, annual town meetings shall be held in the town of Penobscot, county of Hancock on the first Monday in March each year, at 9:45 in the morning for the purpose of voting by written ballot for a moderator. Polls will open at 10:00 a.m. for the purpose of voting by secret ballot for candidates for elected offices. The annual town meeting shall remain open on the same day at the discretion of the selectmen to act on all other articles in the warrant. All in accordance with this charter, subject only to the limitations imposed by the constitution and general laws of the state and the bylaws of the town. Only qualified voters may vote at town meetings.

Section V. Special Meetings. Special town meetings shall be called by the Board of Selectmen to fill vacancies or to take action regarding other town

ARTICLE I - Incorporation and Powers of the Town (continued).

affairs or the welfare of its citizens if prompt action is deemed necessary and requires action by the voters in a special meeting.

Section VI. The Warrant. The complete warrant shall be posted in at least three (3) conspicuous public places seven (7) days before the town meeting, by a duly appointed constable, properly signed and certified according to the general laws of the state. Copies of the annual report shall be made available at least three (3) days prior to the annual town meeting.

Section VII. Fiscal Year. The fiscal year of the town shall be the calendar year.

ARTICLE II. Organization of Government and Qualifications.

Section I. Elective Officers. The elected officers of the town shall be and are a Board of Selectmen, Board of Assessors, School Board, Town Clerk, Town Treasurer, Tax Collector, Road Commissioner, Moderator, and six (6) members of the Finance Committee.

Section II. Appointive Officers. The appointive officers of the town shall be and are a Planning Board, Planning Board of Appeals, Auditor, Town Solicitor, Fire Chief, Assistant Fire Chief, at least two (2) Town Constables, Code Enforcement Officer and three (3) members of the Finance Committee.

ARTICLE II - Organization of Government and Qualifications (continued).

Section III. Additional Administrative Officers. There shall be such additional administrative officers and agents as may be required by the general law. These shall be appointed by the Board of Selectmen.

Section IV. Qualifications of Elected Officials. In order to qualify for election to office in the town of Penobscot, nominees shall be registered voters of said town, and shall be domiciled therein at the time of election and during their term of office.

Section V. Qualifications of Appointed Officials. With the exception of the Auditor, Town Solicitor, Plumbing Inspector and Code Enforcement Officer, in order to qualify for appointment to an office in the town of Penobscot, such individuals shall be registered voters of said town, and shall be domiciled therein at the time of appointment and during their term of office.

Section VI. Election Officials. The selectmen shall prior to State, County, and Federal elections, appoint a warden, ward clerk and election (ballot) clerks for each voting place in accordance with the provisions of Title 21A of the Maine Revised Statutes. In local elections, the selectmen shall appoint the election clerks. Local elections are under the supervision of the moderator, Title 30 Section 2054 (open town meeting) and Section 2061 (by preprinted secret ballots).

Section VII. Oath of Office. Every elected and appointed official of the

ARTICLE II - Organization of Government and Qualifications (continued).

town shall, before entering upon the duties incumbent upon them take and subscribe to the following oath or affirmation, to be kept and filed in the office of the town clerk.

"I _____ solemnly swear (or affirm) that I will support the Constitution and will obey all of the laws of the United States and of the State of Maine; that I will, in all respects, observe the provisions of the Charter and Ordinances of the Town of Penobscot and shall faithfully discharge the duties of the office of _____ so help me God."

ARTICLE III. Warrants for Meetings.

Section I. Duty to Prepare. It shall be the duty of the Board of Selectmen to prepare the warrants for all town meetings, which shall be processed in accordance with the provisions hereinafter made.

Section II. Basic Articles. The Board of Selectmen shall prepare and insert into the warrant for the annual meeting such articles as are deemed essential and expedient for the conduct of the town affairs for the ensuing year. All articles in the warrant calling for expenditure of salaries and wages for elected officials, fire department, or town employees shall be detailed as to the amount to be paid. Also, all articles calling for funds for maintenance shall be listed separately from those calling for capital expenditures in the warrant.

ARTICLE III - Warrants for Meetings (continued).

Section III. Initiated Articles. The Board shall also include in the warrant for the annual meeting such additional articles as shall have been initiated and processed as provided in Section V.

Section IV. Articles Relating to Bylaws. The Board shall also include in the warrant for the annual meeting such additional articles relating to bylaws, as shall have been initiated and processed in accordance with the provisions of Article XVII of this charter.

Section V. Procedure for Initiated Articles. The Board of Selectmen shall hold a public hearing during the 2nd week of December of each year for the purpose of receiving proposals for articles, other than those relating to bylaws, to be included in the warrant for the next annual town meeting. A notice of said hearing shall be publicized. Such hearings may be held in conjunction with regular or special meetings of the Board, or independently, as the Board may determine. Any qualified voter of the town may present, in writing, to the Board, such proposals relative to articles, other than bylaws, he/she may wish to submit for inclusion in the warrant.

The Board shall take action on each proposal so placed before the meeting. The secretary of the Board shall record each vote and announce the result forthwith, and no other notification shall be required.

ARTICLE III - Warrants for Meetings (continued).

Any person aggrieved by the decision of the Board on a submitted proposal may, within seven (7) days following such decision, file with the Board, a petition or petitions signed in the aggregate by at least thirty (30) of the qualified voters of the town, with their name and address, requesting the inclusion of the article in question. Said petition(s) shall be referred to the Town Clerk for inspection, and the Clerk, as soon as possible, shall certify to the Board whether or not the petition(s) have the required number of signatures of qualified voters of the town, and whether they are in his/her opinion genuine. If the certificate is in the affirmative, the Board shall thereupon insert such article in the warrant with appropriate legend to indicate that the same originates by petition. The Board shall have the right to revise such an initiated article before inclusion in the warrant, to make said article conform to the provisions of the constitution and general laws of the state, of this charter and the bylaws of the town.

ARTICLE IV. Qualifications and Nomination of Elective Officers.

Section I. To be qualified for nomination and election to elective offices a nominee shall be, at the time nomination petitions are filed, a duly registered voter of the town of Penobscot and domiciled therein.

ARTICLE IV - Qualifications and Nomination of Elected Officers (continued).

Section II. Nomination. Nomination for election to such office shall be by petition or petitions filed with the Town Clerk as mandated by state regulation. The clerk shall note thereon the date and hour of filing. In the event of a special election to fill a vacancy in any office, such petitions shall be filed with the town clerk no sooner than 14 days and not later than 7 days prior to such election.

Section III. Nomination Petitions. Nomination petitions shall be supplied by the Town Clerk only to the person seeking nomination or to his/her agent by written authority. The petitions shall contain the name and street address of the candidate and shall specify the date of the meeting at which the election is to be held, the office and the term for which nomination is sought, and a statement signed by the candidate to the effect that if elected, he/she will accept the office and will qualify therefor. At the time of filing with the Town Clerk each petition shall have attached to it a certificate of the person who circulated the same, certifying that he/she is the person who circulated the petition and that the signatures appearing thereon are genuine to the best of his/her knowledge and belief. Such certificate shall be sworn to before a notary public. Nomination petitions of each candidate shall be personally signed, in the aggregate, by at least the number of qualified voters of the town as mandated by the state, and opposite each signer's name shall appear his/her street address and number, if any. No voter shall sign a petition for more candidates for any office than there are vacancies to be filled. If he/she does so, his/her signature shall be valid on the first petition or

ARTICLE IV - Qualifications and Nomination of Elective Officers (continued).

petitions filed, up to the number he/she is permitted to sign, but shall be void on any petitions beyond that. It shall be the duty of the Town Clerk to determine whether the nomination petitions filed by or on behalf of a candidate comply with the provisions of this act and entitle the candidate to have his/her name placed on the election ballot. In the event that the Town Clerk is of the opinion that the petition or petitions of a candidate do not comply, the Clerk shall so notify the candidate as soon as possible; but not later than 3 days following the day of filing. Notification shall be by letter deposited in the post office at Penobscot and addressed to the candidate as his address appears on said petitions.

Section IV. Ballots. Candidates who shall have complied with and conformed to the provisions of the 3 preceding sections shall be thereby nominated for the office specified, and their names shall be placed on the election ballots under the appropriate designations and shall be voted upon by Australian ballot at the specified election. The candidate receiving the greatest number of votes shall be deemed elected to the designated office. In the event there be 2 or more vacancies to be filled in the same office and for the same term, then the candidate receiving the next highest number of votes shall be deemed elected, and thus in order until all vacancies are filled.

ARTICLE IV - Qualifications and Nomination of Elective Officers (continued).

Section V. Candidates Supplied. Notwithstanding the provisions of the 3 preceding sections, in any election, annual or special, if there be no candidates on the ballot for any elective office to be filled, or if a voter desires to vote for some person other than the candidate or candidates appearing on the the ballot, he may do so by writing in the name of the person for whom he wishes to vote, or supplying the name by sticker, and by placing a cross (X) or check mark in the square at the left of the name so written in or supplied by sticker. Ballots shall be so prepared by the Town Clerk as to provide as many blank spaces, below the printed names in each classification as there are offices to be filled.

If any person whose name has been so supplied on the ballot received the most votes cast for such office, or the next highest, if 2 vacancies or the 3rd highest, if 3 vacancies and so on, he shall be deemed elected, provided he bears the qualifications specified in Section I hereof. If he does not bear such qualifications, then the person receiving the largest number of votes who does bear such qualifications shall be deemed elected.

ARTICLE V. Conduct of Elections.

Section I. National and State. All elections of national, state and county officers shall be conducted in the manner provided by the constitution and general laws of the state.

ARTICLE V - Conduct of Elections (continued).

Section II. Polling Place. The Board of Selectmen shall designate the polling place for each election in the notice or warrant therefor.

Section III. Supervisor of Elections. The election officials, as provided for in Article II, Section VI, shall be and are hereby charged with the supervision and shall be responsible for the proper conduct of all elections, and in the discharge of such duty shall be governed by and comply with the constitution and general laws of the state, this charter and the bylaws of the town. The moderator shall be in charge of local elections as noted under Article II, Section VI.

Section IV. Municipal Elections. Meetings for the election of municipal officials shall be conducted in accordance with the constitution and general laws of the state, this charter and bylaws. All matters of procedure for which no provision is made herein shall be governed by the general laws of the state.

ARTICLE VI. Board of Selectmen.

Section I. Composition. The Board of Selectmen shall consist of three (3) members as herein provided for in Section III of this Article.

Section II. Eligibility. Only qualified voters of the town shall be eligible to hold this office. Selectmen shall be domiciled in the town during their term of office.

ARTICLE VI - Board of Selectmen (continued).

Section III. Election and Terms. At the first annual town meeting following acceptance of this charter and at each annual town meeting thereafter, the voters shall elect one selectman for a term of three years to replace the selectman whose term will expire at that meeting. If a vacancy occurs among the selectmen for any reason, within 90 days of the next scheduled election, the remaining selectmen shall have the power to fill the vacancy until the next election. If said vacancy occurs more than 90 days prior to the next scheduled election the selectmen shall call for a special town meeting, so that the voters will elect a selectman to fill the vacancy for the balance of the unexpired term.

Section IV. Powers, Duties and Limitations of the Board. The Board of Selectmen shall act as a unit settling all questions by formal vote in an authorized meeting. Members must not act individually unless some duty has been delegated to them by the Board. A formal minority report may be issued by a minority Board member. The Board of Selectmen shall be and is hereby charged with the proper administration of all the fiscal, prudential and municipal affairs of the town and the government thereof, except the school department, and except as otherwise provided by this charter. Unless clearly authorized to do so by this charter, the bylaws, the general law or by specific action of the voters in town meeting, the Board shall take no action which commits the town beyond the date of the next annual organization meeting of the Board.

ARTICLE VI - Board of Selectmen (continued).

The Board shall be and is hereby constituted to be the municipal officers of the town of Penobscot for all purposes required by general law, and except as otherwise specifically provided herein, shall have all the powers and authority granted to, and shall perform all the duties imposed upon the municipal officers of a town under the general laws of the state.

No member of the Board of Selectmen shall hold other office, elective or appointive, except as members of the Board of Assessors and Overseers of the Poor.

Section V. Chairman. The Chairman of the Board, to be elected as hereinafter provided, shall be the titular head of the town government, and he/she or a representative by him/her designated, shall represent the town at public functions and ceremonies. The Chairman shall preside at all meetings of the Board and may vote on all matters coming before such meetings.

Section VI. Meetings. At the adjournment of the annual town election meeting, the newly elected members of the Board shall forthwith qualify by taking the oath of office, and immediately thereafter the Board shall hold its annual organization meeting. At such meeting shall be chosen a Chairman and a Secretary.

ARTICLE VI - Board of Selectmen (continued).

Regular meetings of the Board shall be held at least twice per month. At all meetings of the Board two (2) members shall constitute a quorum. If a quorum be not present, that member present shall adjourn the meeting to a stated time and shall cause the absent members to be notified thereof.

Section VII. Procedure. The Board shall act and express itself officially as a unit by means of majority votes of those members present in regular or special meetings and such votes shall be recorded. Except as otherwise provided by this charter, the bylaws of the town or the general law, the actions, instructions or opinions of individual members shall have no force or effect.

Section VIII. Vacancies: Forfeiture of Office, Filling of Vacancies.

A. Vacancies. Office of a Board member shall become vacant upon his failure to qualify for office within ten (10) days after written demand by the Town Clerk, nonacceptance, resignation, death, permanent disability, removal in any manner authorized by law, this charter or forfeiture of office.

B. Forfeiture of Office. A Board member shall forfeit his office if he lacks at any time during his term of office any qualifications for the office prescribed by this charter or bylaws; violates any express prohibition of this charter or bylaws, or is convicted of a crime or offense which is reasonably related to his ability to serve as a Board member.

ARTICLE VI - Board of Selectmen (continued).

C. Vacancies: Refer to Article VI, Section III.

ARTICLE VII. Treasurer, Clerk and Tax Collector.

Section I. Tenure. The Town Treasurer, the Town Clerk, and the Tax Collector shall each be elected for a term of two (2) years, and each shall serve until his successor has been elected and qualified.

Section II. Powers and Duties. Each of said officers, in addition to such powers and duties as are conferred and imposed upon him by this charter and by the bylaws of the town, shall perform all the duties and shall be invested with all the rights and powers as are established or as may be established for his respective office by the general laws of the state.

Section III. Qualifications. Qualifications for the offices of Town Clerk, Treasurer, and Tax Collector are the same as specified in Article II, Section IV (Qualifications of elected officials).

Section IV. Record Keeping and Journal. The Treasurer, Clerk and Tax Collector shall keep accurate and permanent records of its functions and such records to be public records.

ARTICLE VIII. Moderator.

Section I. Election and Tenure. The Moderator shall be elected, by written ballot, by qualified voters of the town, under Article I, Section IV, of the annual town meeting. He shall hold office for one year.

Section II. Powers and Duties. The Moderator shall preside over all town meetings held during his/her term of office. In the event he/she is unable to attend a town meeting, during his/her tenure in office, he/she shall appoint a substitute to preside over such meeting; and if he/she fails to do so, the voters shall elect a Moderator Pro-tem for such a meeting. In the performance of his/her duties, the Moderator shall have and exercise all rights and powers conferred upon a Moderator as noted in Article V, Section III.

Section III. Qualifications. Qualifications for the office of Moderator are the same as specified in Article II, Section IV. (Qualifications for elected officials). A substitute herein provided for shall meet the same qualifications before assuming the duties of Moderator.

ARTICLE IX. Board of Assessors.

Section I. Composition and Tenure. The Board of Assessors shall consist of three (3) members. At the first annual town meeting following acceptance of this act, the voters shall elect one (1) Assessor for a term of three (3) years to replace the Assessor whose term will expire at that meeting.

ARTICLE IX - Board of Assessors (continued).

Section II. Eligibility. See Article II, Section IV.

Section III. Powers and Duties. The Assessors so elected shall exercise such powers and be subject to such duties and responsibilities as are or may be provided by the general law of the state,

Section IV. Organization. At the adjournment of the annual town meeting, the newly elected member or members of the Board shall forthwith qualify by taking the oath of office, and the Board shall immediately thereafter hold its annual organization meeting, at which time it shall choose a Chairman and a Secretary. The Chairman shall preside over meetings of the Board, shall act as administrative head thereof, and shall perform such other duties as are customarily performed by a Chairman. The Secretary shall keep accurate and complete records of all transactions of the Board.

ARTICLE X. School Department.

Section I. Composition and Tenure. The School Committee shall consist of three (3) members, each elected for a three (3) year staggered term.

Section II. Eligibility. See Article II, Section IV.

ARTICLE X - School Department (continued).

Section III. School Department. The School Department shall be a member of school Union #93, comprised of the towns of Penobscot, Castine, Brooksville, and Blue Hill, unless voted upon in a special or regular town meeting.

Section IV. Powers and Duties. The Committee so elected shall exercise such powers and be subject to such duties and responsibilities as are or may be provided by the general law of the state, by this charter, and by the bylaws of the town.

Section V. Organization. The Chairman of the Committee, to be elected as hereinafter provided, shall be the titular head of the school department. He/She shall preside at all meetings of the committee and may vote on all matters coming before such meetings. The Superintendent, ex-officio, shall act as Secretary of the Committee. As a member of a school supervisory union, under the provisions of the general law, only three (3) members of the school committee shall act as members of the joint committee of the union, which three (3) members shall be the Chairman and the other two (2) members of the School Committee.

Section VI. Meetings. At the adjournment of the annual town meeting, the newly elected member, or members, of the Committee shall be forthwith qualified by taking the oath of office, and the Committee shall, as soon as possible thereafter, hold its annual organization meeting at which time it

ARTICLE X - School Department (continued).

shall choose a Chairman. Regular meetings of the Committee shall be held at such times as may be established by the Committee or bylaws of the town, or this act. At all meetings of the Committee two (2) members shall constitute a quorum. If a quorum is not present, that member shall adjourn the meeting to a stated time and shall cause the absent members to be notified thereof.

Section VII. Procedure. The Committee shall act and express itself officially as a unit by means of majority votes of those members present in regular or special meeting and such votes shall be recorded. The Superintendent of Schools shall be the executive and administrative agent for the Committee. Except as otherwise provided by this charter, the bylaws of the town, or the general laws, the actions, instructions, or opinions of individual members of the committee shall have no force or effect. Except for the purposes of investigation and inquiry, which shall be authorized by the Committee as a unit, the Committee shall deal with all subordinates, agents and employees of the school department, including teachers, only through the Superintendent.

ARTICLE XI. Planning Board.

Section I. Appointment, Qualifications and Tenure. The Board of Selectmen shall appoint members to the Planning Board, the members of which shall be registered voters of the town and domiciled within the town during their term of office. The Board shall consist of seven (7) members, five (5) regular and

ARTICLE XI - Planning Board (continued).

two (2) alternates. Each appointment shall be a staggered five (5) year term. As of the first Tuesday in May each year the Selectmen shall appoint a person, so qualified, to the expiring team.

Section II. Powers and Duties. The members of this Board shall exercise all of the powers and duties as prescribed by general law, bylaws, or this charter, and as provided for under Section II of the Land Use Regulations adopted July 1974. The five (5) regular members are the only ones to vote at its meetings. If a regular member is absent then one of the alternates shall be designated by the chairperson to act at said meeting and vote. At the reorganization meeting, to be held the first Tuesday in May of each year, the members will elect a Chairman and a Secretary for the ensuing year.

Section III. Records. The Planning Board shall keep suitable permanent records of each meeting and record all decisions made at said meetings. These records are open to the public and may be viewed at any of the Board's meetings.

Section IV. Quorum. Quorum at all meetings, regular or special shall consist of four (4) members. If a quorum is not present, those members present shall adjourn the meeting to a stated time and shall cause the absent member to be notified thereof.

Section V. Procedure. This Board shall act and express itself officially as

ARTICLE XI - Planning Board (continued).

a unit by means of majority votes of those members present in regular or special meetings, and such votes shall be recorded. Except as otherwise provided by this charter, the bylaws of the town or by general law, the actions, instructions and opinions of the individual members shall have no force or effect. The Board shall deal with all matters through its Chairman.

ARTICLE XII. Planning Board of Appeals.

Section I. The procedure for appointing a Board of Appeals and the functions, powers and duties, qualifications, tenure and all other requirements specified in Article XI shall apply to Article XII.

ARTICLE XIII. Code Enforcement Officer.

Section I. Appointment Qualifications and Tenure. The Board of Selectmen shall, soon after its organizational meeting, appoint a Code Enforcement Officer for the ensuing year.

Section II. Powers and Duties. The Code Enforcement Officer shall exercise all of the powers and duties as prescribed by general law, bylaws, land use regulations adopted July 1974 or this charter.

Section III. Records. The Code Enforcement Officer shall keep an accurate

ARTICLE XIII - Code Enforcement Officer (continued).

record of his/her official acts and duties and shall present a copy of his/her records to the Town Clerk within sixty (60) days after the close of the fiscal year.

ARTICLE XIV. Finance Committee.

Section I. Composition and Tenure. The Finance Committee shall consist of nine (9) members who shall be domiciled in the town of Penobscot. At the next annual town meeting following acceptance of this charter, six (6) members of the Finance Committee shall be elected by written ballot and three (3) members shall be appointed by the Board of Selectmen, the terms of office to date from the date of the last annual town meeting. Of those elected, two (2) shall be for a three (3) year term; two (2) shall be for a two (2) year term and two (2) shall be for a one (1) year term. Of those appointed by the Board of Selectmen, one (1) shall be for a three (3) year term; one (1) shall be for a two (2) year term and one (1) shall be for a one (1) year term. At the annual town meetings thereafter, two (2) members shall be elected for a three (3) year term and one (1) member shall be appointed by the Board of Selectmen for a three (3) year term.

Section II. Organization. The members of the Finance Committee shall meet by April 30th after the annual town meeting each year and elect from their membership a Chairperson, Vice Chairperson and a Secretary. The Chairperson shall preside over all meetings of the Committee, shall act as its executive

ARTICLE XIV - Finance Committee (continued).

and administrative head and shall perform such other duties as are customarily performed by a Chairperson. The Secretary shall keep accurate and complete records of the activities and determinations of the Committee.

Section III. Vacancies and Replacement. Vacancies in appointed positions will be filled by appointment for the remainder of the unexpired term. Vacancies in elected positions shall be filled as follows: if the vacancy occurs more than ninety (90) days before the date of the next annual town meeting, the vacancy shall be filled until the annual town meeting by an appointee selected by, and having a majority vote of the Finance Committee. If the vacancy occurs less than ninety (90) days before the next annual town meeting, no appointment is necessary.

Section IV. Powers and Duties. The Finance Committee shall have such powers and duties as granted by the bylaws of the town of Penobscot and by this charter.

The Finance Committee or its designated subcommittee shall meet at least once per year and as necessary with the Board of Selectmen for the purpose of making recommendations to the Board regarding warrant items having to do with Budget and finances.

ARTICLE XIV - Finance Committee (continued).

The Finance Committee or its designated subcommittee shall meet at least once per year and as necessary with the School Committee to make suggestions or recommendations concerning school budget and related financial matters.

The Committee may meet at other times at the call of the Chairperson or at the request of three (3) of its members.

The Finance Committee shall make budget or spending recommendations to the voters at duly called town and school budget hearings and at town meetings.

At least two (2) members of the Finance Committee shall serve on a Town Building Committee whenever need for such a committee arises.

Section V. Quorum. At all Finance Committee meetings, regular or special, five (5) members shall constitute a quorum. If a quorum is not present, those members present shall adjourn the meeting to a stated time and cause the absent members to be notified thereof.

ARTICLE XV. Fire Department.

The Fire Department is a volunteer organization operating under Title 30 laws of the State of Maine and a set of bylaws adopted by the Town of Penobscot,

ARTICLE XV - Fire Department (continued).

April 1935. The Chief and Assistant Chief are appointed by the Board of Selectmen at the first selectmen's meeting in March to serve for the ensuing year.

ARTICLE XVI. Road Commissioner.

Section I. The Road Commissioner shall be elected for a term of two (2) years and shall serve until his successor has been elected and qualified.

Section II. Powers and Duties. The Road Commissioner shall perform all of the duties as conferred upon him by this act, the bylaws of the town, and shall be invested with all the rights and powers as are established or as may be established for his office by the general law of the state.

Section III. Qualifications. Qualifications for the office of Road Commissioner are the same as specified in Article II, Section IV (Qualifications of Elected Officials).

ARTICLE XVII. Removal of Elected Officials.

REMOVAL: Any Elected Official of the Town of Penobscot may be removed from elective office by the voters of the Town of Penobscot in the following manner:

ARTICLE XVII - Removal of Elected Officials (continued).

1. On the written petition of a number of registered voters equal to, at least, ten percent (10%) of those registered at the time of the prior annual town meeting, presented to those members of the Board of Selectmen, having no interest in the subject matter of said petition. Said petition shall fully set forth the reasons therefore;
2. In or within thirty (30) days after the receipt of such petition said Selectmen shall hold a public hearing on said petition, which hearing shall be restricted and limited to presentation and discussion of those matters set forth in the petition; said public hearing shall be conducted by said Selectmen having no interest in the subject matter of the petition in accordance with rules of conduct and guidelines established by and set forth by them at the outset of the hearing;
3. Notice for the aforesaid public hearing shall be given in the same manner as is provided for and established with regard to notice for a town meeting;
4. In or within thirty (30) days after the aforesaid public hearing, a town meeting shall be called by the said Selectmen and a vote by secret ballot be taken;
5. In the event of an affirmative vote for such removal, such vote shall take effect and such removal shall be effective as of recording thereof in the record of the meeting.

ARTICLE XVIII. Miscellaneous Provisions.

Section I. Repealing Clause. All provisions of previous charters, bylaws, or acts inconsistent herewith, insofar as they relate to the town of Penobscot, Hancock County, are hereby repealed.

Section II. Severability Clause. If any portion of this charter shall be held to be invalid, such decision shall not affect the validity of the remaining portions thereof.

Section III. Ordinances Not Inconsistent Continue in Force. All ordinances of the town of Penobscot in force when this charter takes effect and not inconsistent with provisions of this charter shall continue in force until amended or repealed.

Section IV. Expiration of Terms of Present Elected Officers. The acceptance of this charter shall not cause the expiration of the terms of elected town officers holding office at the time of adoption.

Section V. Existing Contracts Not Invalid unless Inconsistent. All rights, actions, proceedings, prosecutions and contracts of the town or any of its departments that are pending or unexecuted when this charter becomes effective, and which are not inconsistent herewith, shall be enforced, continue or complete in all respects as though begun or executed hereunder.

ARTICLE XVIII - Miscellaneous Provisions (continued).

Section VI. Bonding of Officials. The Board of Selectmen shall require a bond of sufficient surety or sureties satisfactory to them from the Road Commissioner, Town Treasurer, and Collector of Taxes entrusted with the collection, custody or disbursement of any funds of the town. The amount of the bond shall be set at the discretion of the Board of Selectmen, for the ensuing year.

Section VII. In this charter, the absence or incomplete declaration of a particular power shall not be construed to be exclusive or to restrict the scope of the powers invested in the town as a municipal corporation. This charter shall be liberally construed to the end that the town may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers the town may assume pursuant to the state laws and the provisions of the state constitution.

Section VIII. Appointment of Certain Deputies. The Moderator, Town Clerk, Treasurer, and Tax Collector shall appoint Deputies, qualified and sworn in, to each of their respective offices, provided that the provisions of Title 30, MRSA, Chapter 2255, shall apply to any and all such deputies. The Town Clerk to be notified of appointments so made.

Section IX. Charter Amendment and Revision. This charter may be amended or revised as provided by law (Title 30, MRSA, Chapter 201-A).

ARTICLE XIX. Final Report of the Charter Committee to the Town of Penobscot.

At the annual town meeting in March 1987, it was voted to establish a Charter Commission for the purpose of preparing a Municipal Charter. As required by Maine law, a Charter Commission consisting of nine (9) members, six (6) elected and three (3) appointed. An organizational meeting was held on Monday, June 1, 1987, where members were sworn in and officers designated as follows: Chairperson - Rebecca Orcutt, Vice-Chairperson - David Brann, Secretary - Esther Austin. Other members of the Commission were: Allen Bowden, Ellsworth Ferden, Arnold Gross, Fulton Leach, Royce Perkins, and Sherman Perkins.

A public hearing was held on Monday, June 15, 1987, immediately following the special town meeting for the purpose of receiving comments and information pertinent to the Commission's function.

The Commission's guideline was Chapter 201A, Home Rule, enacted by law 1969, Chapter 563, Sections 1911 through 1920 inclusive.

Meetings of the Commission were held every other Monday evening with a recess during July and August. Meetings resumed during September and continued to be held every other Monday. Citing conflicts with the meeting schedule, Rebecca Orcutt resigned as Chairperson and David Brann assumed that role.

**ARTICLE XIX - Final Report of the Charter Committee to the Town of Penobscot
(continued).**

The Charter Commission was aware of the existence of a previously proposed charter submitted for approval of the Town in 1983. That document was the result of a great deal of hard work and basically very sound. The Charter Commission therefore worked to revise, amend, and hopefully improve on that document. Most of the major changes address the term of office of the Town Clerk, Town Treasurer, Tax Collector and Road Commissioner; and the function of the Finance Committee and its relationship with the School Committee and Board of Selectmen. If this charter is accepted, it will go into effect January 1, 1989.

Respectfully submitted,

Esther Austin

Fulton Leach

Allen Bowden

Royce Perkins

David Brann

Sherman Perkins

Ellsworth Ferden

Rebecca Orcutt

Arnold Gross

GLOSSARY

Australian Ballot	A secret written ballot that lists the subject matter at issue.
Board	Board of Selectmen when word is capitalized.
Capital Expenditure	The expenditure of funds for assets of a permanent or fixed nature.
Charter	An instrument from the sovereign powers of the municipality granting or guaranteeing rights.
Codification	The process of collecting or arranging the laws of the town into a code (i.e., into a complete system of positive law).
Ensuing Year	One year from a stated date.
Fiscal Year	The year by which accounts are recorded.
Legislative Body	Voters of the town.
Overseers	Supervisors, public officers whose duties involve general superintendence of the inhabitants of the municipality with monies furnished them by the public authority.
Registered Voters	Any person registered to vote under the law in the town of Penobscot.
Recissive	To recind--withdraw.
Recording	A relatively permanent physical record.
Resident	A person occupying a residence within the town with the intent to make that place his permanent home.
Town	Penobscot
Town Officials	One who is vested with some portion of the functions of the government to be exercised for the public benefit.
Town Officers	The Board of Selectmen.