



Barleyville Town
Charter



We are growing

Baileyville Town Charter

**Established by Private & Special Laws
1933 - Chapter 95**

Adopted by Vote of Town Meeting – March, 1934

**Charter Commission Established and Elected at Town
Meeting – March 28, 1983**

Milton Annis
Frank Crosby
Pauline Diadone
Rich Nutter
James Smith
Jackie Wallace

Appointed by The Council – April, 1983

Mike Bagley
Fred Rayner
Albert Wormell

Officers Elected by The Commission – May, 1983

Milton Annis – Chairman
Mike Bagley – Vice-Chairman
Pauline Diadone – Secretary

**Revision of Charter Accepted by Voters
March 28, 1984**

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Article I

Powers of the Town

1.01 Incorporation

The inhabitants of the Town of Baileyville within the limits as now established or as hereafter established in the manner provided by law, shall be a municipal corporation by the name of Town of Baileyville.

1.02 Powers of the Town

The Town shall have all the powers possible for a municipality to have under the Constitution and laws of the State of Maine.

1.03 Construction

The powers of the Town under this charter shall be construed liberally 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.

1.04 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 State law allows, the Town may also engage in contracts or otherwise cooperate with civil divisions of Canada or agencies thereof.

Article II

Town Council

now 5 members

2.01 Composition, Eligibility, Election and terms

(a) Composition: There shall be a Town Council of 7 members nominated and elected by the qualified voters of the Town at large as provided for in Article VII.

(b) Eligibility: Only qualified voters of the town, as defined in Section VII who reside within the town limits shall be eligible to hold the office of councilor.

(c) Election and Terms: Councilors shall be elected to serve staggered three year terms at each regular municipal election, to be held on the fourth (4th) Monday of March. Councilors shall be elected to fill the positions of those whose terms expire.

(d) Declaration of Votes: At any election for councilors, according to the number to be elected, the person or persons receiving the highest number of votes for such office shall be deemed and declared elected to such office.

(e) Induction: Prior to the beginning of their terms, all councilors elect shall be sworn to the faithful discharge of their duties by a justice of the peace, notary public, or the town clerk.

2.02 Compensation; Expenses

Councilors shall receive their actual and necessary expenses incurred in the performance of their duties other than attendance at their regular or special meetings.

2.03 Organizational Meeting – Chairman

(a) Organizational Meeting: The organizational meeting of the Council shall be held immediately following the final determination of the election or as soon thereafter as possible but not later than the first Monday following the annual town meeting.

(b) Chairman: At the first meeting, or as soon thereafter as possible, the town council shall elect by majority vote one of its members as chairman of the council, who shall serve at the pleasure of the council.

The chairman shall preside at all meetings of the council and shall perform such other duties, consistent with his office, as the council may provide. He shall be entitled to vote on all questions.

The chairman shall be recognized as the official head of the town for ceremonial purposes but shall have no administrative duties.

In the temporary absence or disability of the chairman, the council may elect one of its members to serve as temporary chairman who shall exercise all the powers of the chairman.

2.04 General Powers and Duties

Legislative power shall be vested in the town meeting except as otherwise provided for by this charter. The council shall have the legislative power to pass ordinances dealing with the purposes indentified in section 2.13 and 2.15.

All powers of the town except legislative shall be vested in the council except as otherwise provided by law or this charter. The council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the municipality by law. The council shall be the municipal officers of the town.

2.05 Prohibitions

(a) Holding Other Office: Except where clearly authorized by law or pursuant to an agreement under the Interlocal Cooperation Act, or by this charter, no councilor shall hold any other town, elected or appointed, office or town employment during the term of office for which he or she was elected.

(b) Length of Time for Compensated Appointive Office or Employment: No former councilor shall hold any compensated appointive town office or employment until one year after the expiration of the term for which he or she was elected to the council.

2.06 Appointment and Removals

(a) The following officers and officials are to be appointed and removed by the council: Town Manager, Town Treasurer, Town Solicitor, Register of Voter, Code Enforcement Officer, Plumbing Inspector, Building Inspector, Sealer of Weights and Measures, Tax Collector and the person(s) or firm performing the Town Audit.

(b) Appointed officers and officials shall serve until removed by the appointing authority.

(c) Neither the council nor any of its members shall in any manner dictate the appointment or removal of any town administrative officers or employees who the manager or any of his or her subordinates are empowered to appoint.

The council may express its view fully and freely discuss with the manager anything pertaining to appointment and removal of any officers and employees.

2.07 Interference with Administration

Except for the purpose of inquires and investigations under Section 2.11, the council or its members shall deal with town officers and employees who are subject to the direction and supervision of the manager solely through the manager and neither the council nor its members shall give orders to any such officer or employee either publicly or privately.

2.08 Vacancies, Forfeiture of Office, Filling of Vacancies

(a) Vacancies: The office of councilor shall become vacant upon his or her death, resignation, abandonment, permanent incompetency, failure to qualify for the office within 10 days after written demand by the council, removal from office in any manner authorized by law of this charter or forfeiture of office or failure of the municipality to elect a person to the office.

(b) Forfeiture of Office: A councilor shall forfeit his or her office if he or she:

(1) Lacks at any time during their 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 his ability to serve as a council member.

(4) Fails to attend three consecutive regular council meetings without being excused by the council.

(c) Filling of Vacancies: A vacancy in the council shall be filled for the remainder of the unexpired term, if any, at the next regular town meeting. 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 unexpired term takes office. Such vacancy shall be filled by the council not later than 60 days of the vacancy.

2.09 Judge of Qualifications

The council shall be the judge of the election and qualifications 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 subpoena witnesses, to administer oaths and require the production of evidence.

An officer charged with conduct constituting grounds for forfeiture of his or her office shall be entitled to a public hearing on demand. Decisions made by the council under this section shall be subject to review by the courts.

2.10 Secretary to the Council

The council shall appoint an official or employee of the town who shall have the title of secretary to the council.

The secretary to the council shall give notice of council meetings to its members and the public, keep the journal of proceedings and perform such other duties as are assigned to him or her by this charter or by the council.

2.11 Investigations

The council may make investigations into the affairs of the town and the conduct of any town department, office or agency and for this purpose may enact an ordinance providing for the compulsory attendance of witnesses, the administering of oaths, the taking of testimony and the compulsory production of evidence.

2.12 Procedure

(a) Meeting: The council shall meet regularly at least twice in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the chairman or of three (3) or more members of the council by causing a notification to be given in hand or left at the usual dwelling place of each council member. If practicable, notification to the public shall be given not later than 24 hours before the special meeting. All meetings of the council shall be open to the public; however, the council may by three-fifths (3/5) vote recess for the purpose of discussing in closed or executive session any matter permitted by State Law. Final action on any matter taken up in such closed session shall not be taken by the council until such matter is placed on the agenda of a regular or special meeting.

(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. This journal shall be a public record.

(c) Voting: Voting, except on procedural motions, shall be by roll call and the ayes and nays of each council member shall be recorded in the journal. Four (4) 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, shall be binding or valid unless adopted by a majority vote of those present and voting.

2.13 Action Requiring an Ordinance

(a) In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the council shall be by ordinance which:

1. Adopt or amend an administrative code, or establish, alter or abolish any town department, office or agency; unless established by this charter.
2. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
3. Grant, renew or extend a franchise;
4. Regulate the rate charged for its services by a public utility;
5. Authorize the borrowing of money except tax anticipation borrowing;
6. Convey or lease or authorize the conveyance or lease of any lands of the town, except "tax acquired" property;
7. Amend, repeal or re-enact any ordinance previously adopted.

(b) Acts other than those referred to in the preceding sentence, may be done either by ordinance, by order, or by resolution.

2.14 Ordinances in General

(a) Form: Every proposed ordinance shall be introduced in writing and in 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 Baileyville hereby ordains--". Any ordinance which repeals or amends an existing ordinance or part of the Town Code shall set out in full the ordinance sections or subsections to be repealed or amended, and shall indicate matter to omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

(b) Procedure: An ordinance may be presented at the town office in writing dated and signed by any citizen or it may be introduced by any member of the council 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 town manager and shall file a reasonable number of copies in the office of the town clerk and such other public places as the council may designate. The proposed ordinance shall be publicly read at the next regular meeting of the council after its presentation.

The title of the proposed ordinance together with a brief summary of its purpose shall be printed in a newspaper of general circulation in the town within two (2) weeks after the reading of the ordinance at the council meeting together with a notice of public hearing at a regular council meeting to be held within three (3) weeks of the date of publication. All interested persons shall have a reasonable opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or reject it by a majority vote of the councilors present. If it is amended as to one 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.

The ordinance shall also be posted at the municipal building and copies shall be available in the town office.

(c) Effective Date: Except as otherwise provided in this charter every adopted ordinance shall become effective one week (7 days) after publication of the ordinance or at any date specified therein.

(d) "Published" 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 place where copies of it have been filed and the times when they are available for public inspection.

2.15 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 grant, renew or extend a franchise, regulate the rate charged by a public utility for its services or authorize the borrowing of money except months of the adoption of said ordinances. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated 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 4 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.

2.16 Authentication and Recording; Codification; and Printing

(a) Authentication and Recording: All ordinances and resolutions adopted by the council shall be authenticated by the signature of the secretary of the council and recorded in full by the clerk in a properly indexed book kept for the purpose.

(b) Codification: Within three years after 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 and resolutions 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 Baileyville Town 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 and Resolutions: The council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions 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 Baileyville Town Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form 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 III

Town Manager

3.01 Appointment; Qualification; Compensation

(a) Appointment: The council shall appoint a town manager and in consultation with the legal advisor for the town shall present the manager with a contract for not less than one year but not more than three years.

(b) Qualification: The manager shall be appointed solely on the bases of his or her executive and administrative qualifications.

(c) Residence: The manager need not be a resident of the town or state at the time of appointment. A manager who is not a resident of the town when hired will be allowed six (6) months to take up residency within the town limits from the date he or she assumes office. Said time period may be extended by the council for good cause shown.

(d) Compensation: The salary of the town manager shall be determined by the council.

(e) Extension of Contract: Extension of the manager's contract beyond the initial term shall be by direction of the council.

3.02 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 forty-five (45) days. A copy of the resolution shall be delivered promptly to the manager.

2. Within ten (10) days after receiving a copy of the resolution the manager may file with the council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than 15 nor later than 30 days after the request is filed. The manager may file with the council a written reply not later than five (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 ten (10) days from the date when a copy of the preliminary resolution was received by the manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

4. The manager shall continue to receive his salary until the effective date of final resolution or removal.

5. The action of the council in suspending or removing the manager shall not be subject to review by any court.

3.03 Acting Town Manager

By letter filed with the chairman of the council the manager shall designate, subject to the approval of the council, a qualified person to exercise the powers and perform the duties of the manager during his 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 his disability shall cease.

In the event of failure of the manager to make such designation, the council may by resolution appoint any municipal officer of the town or another qualified person to perform the duties of the manager until he or she returns.

3.04 Power and Duties of the Town Manager

The town manager shall be the chief administrative officer of the town. The manager shall be responsible to the town council for the administration of all town affairs placed in his or her charge by or under this charter. The manager shall have the following powers and duties:

1. To appoint and, when he or she deems it necessary for the good of the municipality, suspend or remove all town employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by-law, by this charter or by personnel rules adopted pursuant to this charter. He or she may authorize any municipal officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

2. To direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this charter or by-law.

3. To attend all council meetings and shall have the right to take part in discussion but may not vote.

4. To see that all laws, provisions of this charter and acts of the council subject to enforcement by him or her by officers subject to his or her direction and supervision, are faithfully executed.

5. To prepare and submit to the council the annual budget and capital programs.

6. To prepare and submit to the council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year.

7. To prepare such other reports and perform such other duties as may be required of him or her by the council and to make such recommendations to the council concerning the affairs of the town as he or she deems necessary.

8. To act as purchasing agent for all departments, except the school department, and to submit to competitive bids any transaction involving more than \$100.00 if the council so orders.

9. To assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor administrative and governmental practices.

Article IV

Administrative Organization

Part 1 - General Administration

4.01 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. "Nothing herein shall be construed to prevent the council from contracting for any or all functions and services provided under the department categories listed in 4.01 C with the exception of the School Department."

(b) Direction by Managers: 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 may appoint one person as the head of two or more of them.

(c) Established Departments:

Police under the direction of a chief.

Fire under the direction of a chief.

Public works under the direction of a superintendent.

Recreation under the direction of a director.

School under the direction of an elected committee who will hire a superintendent who shall have such authority as prescribed by law.

With the exception of the School Department, all departments shall be responsible to the Manager.

(d) Bonds of Officials: The Council shall require a bond by a reputable surety company or other acceptable sureties satisfactory to the Council from all persons trusted with the collection, custody or disbursement of any monies of the Town, provided, however, that the Town shall pay the costs of providing such bond. This provision to include the Town Clerk in regards to the duties as Licensing Agent for the Department of Inland Fisheries and Wildlife.

Part 2 - Personnel Administration

4.02 Merit Principle

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.

4.03 Personnel Director

The Manager or a person appointed by him shall be designated Personnel Director. The Personnel Director shall administer the personnel system of the Town.

4.04 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 may provide for:

1. the classification of all Town positions based on the duties, authority, responsibility of each position, with adequate provision for 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 and vacation leaves;
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 3 - Assessment Administration

4.05 Assessor

The councilors shall act as assessors for the Town. They shall perform all duties and responsibilities provided for assessors under general law. The salary, hours and working conditions of the assessors shall be determined by the Council.

Part 4 - Legal

4.06 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, Manager and all Town departments, boards, agencies and commissions.

The legal officer shall represent the Town in all legal proceedings and shall perform any other duties prescribed by ordinance and law. The Council may employ other legal counsel from time to time when the Council deems it necessary.

Article V

School Administration

5.01 School Administration

(a) Composition: There shall be a Town School Committee of **five members**, nominated by the qualified voters of the Town as prescribed under this Charter in Section 7.01C.

(b) Eligibility: Only qualified voters of the Town shall be eligible to hold the office of School Committee member.

(c) Election and Term: School Committee members shall be elected to serve staggered three year terms. At each annual Town election School Committee members shall be elected to fill the positions of those whose terms expire.

(d) Prohibition: No member of the superintending School Committee or spouse shall be employed as a full time, or part time employee in any public school in said Town.

5.02 Vacancy; Forfeiture of Office; Filling Vacancies

A. Vacancy - Forfeit

The office of School Committee members shall be deemed vacant or forfeit for the following reasons:

- a. nonacceptance of the elected position
- b. resignation
- c. death
- d. lacks at any time during the term of office any qualification for the office prescribed by law or this Charter
- e. violated any express prohibition of this Charter
- f. is convicted of a crime or offense which is reasonably related to his or her inability to serve as a member of the Committee
- g. fails to attend three consecutive regular meetings of the Committee without being excused by the Committee.

B. Filling of Vacancy - Time Required

The School Committee shall appoint a qualified person to fill any vacancy until a successor is elected and qualified. At the next annual regular election a member shall be elected to fill the vacancy for the remainder of the unexpired term."

In case any member of the School Committee no longer remains a legal resident of the Town or is absent for more than 90 days, a vacancy shall be declared to exist and the remaining members shall within 30 days thereafter choose another qualified person to fill the vacancy as provided for under this Charter.

Should there be a lack of a quorum in cases of vacancy, the Town Council shall notify the qualified voters of the Town of such opening and convene a special election to fill vacancies.

5.03 Powers and Duties

The School Committee shall have all the powers and perform all the duties in regard to the care and management of the public schools of the Town which are now conferred and imposed upon school committees by the laws of the state, except as otherwise provided in this Charter. The School Committee shall be the head of the Town Education Department and for financial purposes shall be governed by Article VI.

5.04 Chairperson, Selection, Duties and Quorum

(a) How Selected: Each year the chairperson of the School Committee shall be selected by written ballot by a majority vote of the entire Committee. Said election to take place at the organizational meeting of the School Committee or as soon thereafter as practicable.

(b) Duties: The chairperson shall preside at all meetings of the School Committee and shall have a vote as other members of said Committee.

(c) Quorum: A quorum shall consist of three members.

5.05 Organizational Meeting

The School Committee shall meet and organize at 7 o'clock on the first Monday following the annual municipal election. New members shall be sworn in by a justice of the peace, notary public, or the Town Clerk to the faithful discharge of their duties.

Chairperson for the ensuing year shall be selected in accordance with Section 5.04 A.

5.06 Budget Preparation

(a) Fiscal Year: The fiscal year for the school budget shall be July 1 of the current year to June 30 of the following year, unless changed by appropriate state law.

(b) Preparation: The annual budget of the School Committee shall be prepared in accordance with the School Budget Adoption Procedures Ordinance as adopted on September 27, 1982 or as amended.

(c) Date of Submission: The annual budget shall be submitted to the Town Council no later than March 1st of each year, unless amended from time to time.

(d) Notice and Hearing: All budget considerations regarding monies to be raised and appropriated shall be published in a newspaper of general circulation within the Town and notices posted in a public and conspicuous place within the Town stating: Date, Time, Place and Item or Items to be considered.

Such notice shall be at least seven days in advance of such budget hearings.

At budget hearing meetings only budgetary items shall be the order of business.

In connection with each budgetary item, the public shall be invited to participate.

Article VI
Financial Procedures

6.01 Fiscal Year

The fiscal year of the Town shall begin on the first day of July (July 1) and shall end on the last day of June (June 30).

Such fiscal year shall constitute the budget and accounting year as used in this charter.

The Fiscal year, as used in this charter, may be amended or changed by the submission of an article, by the council, so stating the desired change in the Annual Town Meeting Warrant and such article being acceptable to the voters.

6.02 Submission of Budget

All budgets, including the School Budget, shall be submitted to the council no later than March 1 of each year unless otherwise provided by the voters of the Town.

6.03 Budget Officer

The Manager shall be the budget officer of the Town. The Manager shall submit to the Council a budget for the ensuing year and an accompanying message.

6.04 Budget Message

The message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the Town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the Town debt position and include such other material as the Manager deems desirable.

6.05 Budget

The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by this charter, shall be in such form as the Manager deems desirable or the council may require.

In organizing the budget the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object.

It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the estimated property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the preceding fiscal year.

6.06 Council Action on Budget

(a) Notice and Hearing: All budget considerations regarding monies to be raised and appropriated shall be published in a newspaper of general circulation within the Town and notices posted in a public and conspicuous place within the Town stating: Date, Time, Place and Item or Items to be considered.

Such notice shall be at least seven days in advance of such budget hearings.

At budget hearing meetings only budgetary items shall be the order of business.

In connection with each budgetary item, the public shall be invited to participate.

(b) Presentation of Budget: The budget, in its final form, shall be presented to the voters of the Town at the annual Town Meeting or at a special Town Meeting whichever is deemed more advisable by the council.

Each appropriation shall be stated in a separate, clear and distinct article stating the amount of money to be raised and appropriated.

If money is to be taken from surplus and not assessed, the article must so state in addition to stating the amount to be raised and appropriated.

(c) Public Record: Copies of the budget, as adopted by the voters of the Town, shall be a public record and shall be available to the public at the municipal building during regular business hours.

6.07 Administration of Budget

(a) Administrator: The Town Manager shall be the administrator of the Town budget.

(b) Payments from Budget: Money shall be paid out only on warrants on the Town treasury issued by the Town Manager and countersigned by the Council.

Such warrant shall specify the appropriate article to be charged, amount to be paid, to whom paid, date of payment and check number.

(c) Department and Agencies Report: Each department or agency shall each month submit to the Town Manager, who shall forward such reports to the Council, a report showing their assigned article number, the amount of appropriation, monies spent to date, reason for expenditures and the remaining balance of the account.

(d) Interim Expenditures: In the period between the beginning of the fiscal year and the appropriation of funds, the Council may authorize expenditures for current departmental expenses, chargeable to the appropriations for the year, when made in amounts sufficient to cover the necessary expenses of the various departments.

(e) Borrowing: The borrowing of money by and for the Town shall be limited to the provisions of this charter and the Maine Revised Statutes as amended.

(f) Bond Issues: Money may be borrowed by the issue and sale of bonds pledged on the credit of the Town. The proceeds may be used for the payment of the indebtedness of the Town, the construction of buildings, the purchase of equipment, the construction of roads and streets and other public improvement and the payment or refunding of bonds previously issued. Every issue of bonds shall be payable by installment with interest at least annually until the debt is extinguished and within a fixed term of years.

(g) Temporary Loans: Money may be borrowed in anticipation of tax receipts or revenue sharing receipts during any fiscal year after the fiscal year begins, but the aggregate amount of such loans outstanding at any one time shall not exceed 80% of the revenue received for taxes during the preceding fiscal year.

All such loans shall be paid within the fiscal year out of receipts for the fiscal year in which said loans were made.

(h) Council Approval: Council approval must be obtained as well as any other required approval, on all borrowing, bond issues and temporary loans.

6.08 Annual Post Audit

The Council shall each year appoint a qualified public accountant or agency for the purpose of conducting the annual post audit of the prior fiscal year municipal finances, as authorized by law.

Article VII

Nominations and Elections

7.01 Municipal Election

(a) Regular Election—The annual municipal election for the purpose of electing its various municipal officials, including trustee(s) of the Baileyville School District, shall be held on the Fourth Monday of March of each year. The presentation of the town budget with its recommended appropriations, including the school budget, may be presented at this time following the annual election of town officials.

(b) Special Election—The municipal officers as specified under Section 2.04 shall call special elections, as needed, to provide for the efficient operation of town affairs.

(c) Qualified Voters—All citizens qualified by the Constitution and laws of the State of Maine to vote in the town and who satisfy the requirements for registration prescribed by law shall be qualified voters of the town within the meaning of the charter.

(d) Conduct of Elections—Except as otherwise provided by this charter, the provisions of Title 21 and Title 30 of the Revised Statutes Annotated shall apply to elections held under this charter. All elections provided for under this charter shall be conducted by the election officials established by law. Each municipal election, regular or special, must be called by a warrant which must specify the date, time and place of election. All business of the town and the election of the various officials are to be stated in separate, clear and distinct articles. In regards to the election of the various town officials those receiving the greatest number of votes, under the article concerned, shall be declared elected.

For the conduct of town elections, for the prevention of fraud in such election, and for the recount of ballots in cases of doubt or fraud, the council shall adopt by ordinance all regulations which it considers desirable, consistent with law and this charter.

7.02 Nominations of Candidates

(a) The nomination of all candidates for elective offices provided for by the charter, including trustee of the Baileyville School District, shall be by petition.

Any qualified voter of the town may be nominated for any of the elective offices provided for by this charter.

(b) Signatures Required—The petition of each candidate for elective office shall be signed by not less than 25 nor more than 75 qualified voters of the town. Each signature shall be executed in ink or indelible pencil.

(c) Signing of More Than One Petition—A voter may sign as many petitions as there are vacancies to be filled. If any voter should do so, his or her signature shall be counted only upon the first petition(s) filed and shall be void upon all other petitions.

The signatures to nomination papers need not all be affixed to one petition but to each signature on it was affixed in his presence and that it is the genuine signature of the person whose name it purports to be. Each signature shall be followed by the signers street address.

7.03 Petition of Candidates

(a) Form of Petition—The form of the nomination petition shall be substantially as follows:

“To the Town Clerk of the Town of Baileyville”:

We, the undersigned voters of the Town of Baileyville, in accordance with Article _____ of the annual town warrant hereby nominate _____ to be voted for at the election to be held in the Town of Baileyville on the _____ day of March, 19____. We individually certify that we are qualified to vote for a candidate for the above office and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name	Street	Name	Street
------	--------	------	--------

“To the Town Clerk of the Town of Baileyville”:

I _____ being duly sworn, deposes and says that I, the circulator of the nomination petition of _____ containing _____ signatures and that the signatures appended thereto were made in my presence and are the signatures of the persons whose names they purport to be.

Name of Circulator

subscribed and sworn to before me this _____ day of March, 19____.

Seal

Notary Public

“To the Town Clerk of the Town of Baileyville”:

I _____ consent to accept the nomination of
Name of Candidate
_____ and I agree not to withdraw and if
elected, to qualify.

Signed: _____

(b) Filing and Acceptance—All nomination petitions of any one candidate shall be assembled and filed with the town clerk as one petition not earlier than 45 days before the election and not later than 25 days prior the election. No nomination petition shall be accepted unless accompanied by a signed acceptance of the nomination by the candidate.

(c) Procedure After Filing Nomination Petitions—The clerk shall make a notation on each petition received showing time and date when filed. Within five days after the filing of a nominating petition, the clerk shall notify the candidate and the person who filed the petition whether or not it satisfied 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.

7.04 Ordering Candidates Surnames

Where two or more candidates have been nominated for any office, the names of said candidates shall be arranged in alphabetical order of their surnames.

7.05 Preparation of Ballots

(a) Joint Ballot—All municipal officials to be elected at the annual municipal election shall be by a joint ballot instead of a separate ballot for each candidate.

(b) Ballot Form—Specimen ballots and official ballots for use in all municipal elections shall be prepared by the town clerk at the expense of the town. The ballot shall be without party designation. Names shall be placed on the ballot alphabetically under the office for which they were nominated.

At the right of each name shall be a square within which the voter shall place a cross (x) or check (✓) mark to designate his or her choice. A blank space shall be left at the end of the list of candidates for each office in which the voters may insert the name of any person not printed on the ballot for whom they desire to vote.

The ballot form shall be substantially as follows:

Back and front of ballot

Official Ballot
Town of Baileyville, Maine
March _____ 19 _____

Signature of Town Clerk

Face of the Ballot

To vote for a candidate mark a cross (x) or check mark (✓) in the square at the right

Article _____	Town Clerk	Vote for _____
_____	Name of Candidate(s)	Number
Article _____	Town Councilor — 3 years	Vote for _____
_____	Name of Candidate(s)	Number
Article _____	School Committee — 3 years	Vote for _____
_____	Name of Candidate(s)	Number
Article _____	Trustee Baileyville School District — 3 years	Vote for _____
_____	Name of Candidate(s)	Number

7.06 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 tie, the election shall be decided by lot in the presence of the candidates concerned or their agents and under the direction of the town council. Such decision by lot shall be held on the first Monday following the date of the election.

7.07 Counting of Ballots

(a) Counting the Ballots—As soon as the polls are closed, the election officials shall count the ballots under the supervision of the moderator. The ballots shall be counted publicly so that those present may observe the proceeding. The ballots shall be separated into lots of one hundred (100) and counted by the ballot clerks. Total ballots cast to be determined before the count begins.

(b) Procedure After Counting—The warden shall record upon the official ballot the number of votes received for each candidate to be elected, including all write-ins. The moderator shall declare the results publicly at the voting place.

(c) Ballot Clerks and Warden to Sign Returns—After the warden has recorded the official votes on the official ballot, he shall sign his name on the ballot along with the ballot clerks.

7.08 Ballots for Ordinances

An ordinance to be voted on pursuant to Article VIII shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described ordinance be adopted?"

Immediately below such question shall appear in the following order, the words "Yes" and "No" under which shall be a square in which the voter may place a cross (x) or check (✓) mark to designate his or her vote.

7.09 Voting Machines

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

7.10 Recall of Elected Officials

Any elected official of the town may be recalled by the voters of the municipality electing them. The recall process shall be as follows:

(a) Initiation—A recall petition may be initiated by at least 50 qualified voters of the municipality presenting a written request for recall to the town clerk.

(b) Action required by the town clerk—Upon receipt of the request for recall and verification of the qualifications of the signers, the town clerk shall consult with the town's legal advisor, a committee of at least 5 of those signing the recall request and any attorney they may choose to retain to prepare a recall petition.

(c) Recall Petition—The recall petition shall clearly identify and set forth the charges against the elected official which they are seeking to have recalled.

(d) Collection of Signatures; Time—Recall petitions shall be available for signing by any qualified voter in the municipality for at least 15 business days following the completion of the petition. Petitions may be circulated for signing throughout the municipality.

If at the close of the 15 day period the number of qualified voters of the municipality signing the petition equals to at least 10% of the registered voters at the last municipal election held within the town, the elected municipal officials shall immediately establish a time for a recall referendum.

(e) Recall Ballot Form—The question to be asked on the recall referendum shall substantially conform to the following:

Shall _____ be recalled from _____
Name of Elected Official Name of
_____ to which he or she was elected?
Position to Which Elected

Yes

No

Front and back of the ballot shall be official referendum ballot.

Town of Baileyville, Maine

Date

Signature of Town Clerk

Face of Ballot

Make a cross (x) or check mark (✓) in the square "Yes" or "No" to designate the vote of your choice.

Questions to be asked shall follow below the above instructions.

(f) Voiding of Recall Referendum—The recall referendum shall be voided if the official resigns at least 7 days prior to the date of the referendum.

(g) Election and Replacement of Recalled Officials—No replacement candidates may be voted upon at the recall referendum nor may an election for a replacement of a recalled official or resigned member be held within 14 days.

Article VIII

Initiative and Referendum

8.01 General Authority

(a) **Initiative:** The qualified voters of the town shall have power to propose ordinance to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at an election provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of officers or employees.

(b) **Referendum:** The qualified voters of the town shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered to approve or reject it at a town election, 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.

8.02 Commencement of Proceedings; Petitioners' Committee; Affidavit

(a) Any qualified voters may commence initiative or referendum procedures 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.

(b) Promptly after the affidavit of the petitioners' committee is filed the clerk shall issue the appropriate blank to the petitioners' committee.

8.03 Petitions

(a) **Number of Signatures:** Initiative and referendum petitions must be signed by qualified voters of the town equal in number to at least 15 percent of the total number of qualified voters registered to vote at the last regular town election.

(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 street 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 Circulation: Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be 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.

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 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 or intention to amend it with the clerk within two days after receiving the copy of his certificate and files a supplementary petition upon addition papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 7.03, and within five days after it 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 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 his 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 two days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting 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 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.

8.05 Referendum Petitions; Suspension of Effect of Ordinance

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

1. There is a final determination of insufficiency of the petition, or
2. The petitioners' committee withdraws the petition, or
3. The council repeals the ordinance, or
4. Thirty days have elapsed after a vote of the town on the ordinance.

8.06 Action 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 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 election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) Withdrawal of Petitions: An initiative or referendum petition may be withdrawn at any time prior to the fifteenth 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 thereon shall be terminated.

8.07 Results of Election

(a) Initiative: If a majority of the qualified electors 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 affirmative votes shall prevail to the extent of such conflict.

(b) Referendum: If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

Article IX
General Provisions

9.01 Elected Officers; Terms

The term of office for the following elected officials shall be for three years; Town Clerk, Councilor, School Committee and Trustee of the Baileyville School District.

Exception to the three year term will be the vacancies of any office as stated under Section 2.08 of this charter in which case the term will be for the remaining term of the original elected official.

The term of any person elected to office shall begin at the organizational meeting immediately following the final determination of the election or as soon thereafter as possible but not later than the first Monday following the annual Town meeting.

Any such person elected shall serve for his prescribed term or until his successor is elected and qualified.

9.02 Residence Requirement

The town Manager and heads of all departments, agencies and offices must reside within the Town limits with the exception of the person or firm performing the Town Audit and the Town Solicitor. For good cause shown the Council may suspend operation of this provision with respect to any person.

9.03 Swearing in Officers

Every Town officer or official and every person with an office of public trust shall be sworn to the faithful discharge of the duties incumbent upon him or her according to the Constitution of the Town and shall be sworn to support the Constitution of the United States and the Constitution of the State of Maine.

9.04 Personal Financial Interest

30 M.R.S.A. 2251 as it may be amended from time to time shall govern in determining whether any public official or employee has a conflict of interest with regard to any municipal action.

9.05 Prohibitions

(a) Activities Prohibited:

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to Town position or appointive Town administrative office because of race, sex, political or religious opinions or affiliations.

(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certificate or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the municipal service.

(4) No person who holds a compensated appointive Town position shall solicit any assessments, contributions, or services for any political party from any employee in the municipal service.

(5) Nothing herein contained shall affect the right of any person to hold membership in, and support, a political party, to vote as they choose, to express privately and publicly his opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings.

(b) Penalties: The council may enact an ordinance prescribing penalties for the above. Any person found in violation of this section by a court of competent jurisdiction or by the council acting in a judicial capacity shall be ineligible for a period of five years thereafter to hold any Town office or employment and shall immediately forfeit their office or position.

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.

9.07 Amendments

Amendments to this charter shall be made in accordance with MRSa Title 30, chapter 201A, Section 1915.

Article X

Transitional Provision

10.01 Effective Date

After adoption, this charter shall become effective for all purposes on and after the first day of July 1, 1985.

10.02 First Election

(a) First election: After adoption of this charter, in order to maintain a consistency of elected officials, the first election under this charter, to elect the additional councilors shall be held on the fourth Monday of March, 1985

(b) Term of office: The additional councilors shall be elected to terms which will properly be within the rotation of the staggered terms of office.

(c) Present members of council: All members serving on the council at the effective date of this charter shall continue to hold office until their prescribed term expires and their successors are elected and qualified.

(d) Temporary ordinances: In adopting ordinances and resolutions necessary to effect the transition of government under this charter and to maintain effective government during that transition, the council shall follow the procedures prescribed in Article II except that at its first meeting and any meeting held within sixty (60) days thereafter, the council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective municipal government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced. After adoption of a temporary ordinance, the council shall cause it to be printed and published as prescribed for other adopted ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the 91st day following the date on which it was adopted, and it shall not be readopted, renewed or otherwise continue except by adoption in the manner prescribed in Article II for ordinances of the kind concerned.

10.03 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 effect a town administrative officer or employee holds any office or position which is or can be abolished by or under this charter, they shall continue in such office or position until the taking effect of some specific provision under this charter directing that he vacate the office or position.

(c) All established boards and committees not inconsistent with this charter shall continue in effect until changed by council action and the incumbent members shall serve their appointed terms or until replaced.

(d) 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.

10.04 Departments, Offices and Agencies

(a) Transfer of Powers: If a department, office or agency is abolished by or under this charter, the powers and duties given it by law shall be transferred to the town department, office or agency designed in this charter of, if the charter makes no provision, designated by the council.

(b) Property and Records: All property, records and equipment of any department, office or agency existing when this charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the council in accordance with this charter.

10.05 Pending Matters

All rights, claims, action, order, contracts and legal or administrative proceeding 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 the charter.

10.06 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 ordinances or resolutions adopted pursuant thereto to the extent that the Constitution and laws 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 or resolutions adopted pursuant thereto.

10.07 Printing

After July 1, 1985, no official or unofficial printing of this charter need contain a printing of Article X, Transitional Provisions.

TOWN OF BAILEYVILLE

CHARTER AMENDMENTS

EFFECTIVE NOVEMBER 4, 1986

Add the position of the Town Clerk to the list of Town Officials to be appointed by the Council under Section 2.06 of the Charter and delete the position of Town Clerk from the list of elected officials in Section 9.01 of the Charter and from the elected officers denominated on the ballot form described in Section 7.05(b) of the Charter, and add a transitional provision, Section 10.03(e) providing for the appointment of a Town Clerk whose term shall begin January 1, 1987.

EFFECTIVE NOVEMBER 14, 1988

SECTION 3.04(1) Notwithstanding any other provisions of this Section, a committee shall be created to perform the hiring function for all department head positions. The committee shall consist of five (5) persons and shall include the Town Manager and four (4) other persons appointed by the Council. Council Members may serve on the committee and not more than two (2) members of the committee may be a non-council member. Preferably, at least one (1) member of the committee, in addition to the Manager, shall have some expertise or familiarity with the duties and responsibilities of the position being filled. The committee shall participate in the application and interview process and the final selection of an applicant shall be by majority vote of the committee. The duties of the committee shall cease upon filling the position with respect to which the committee was empowered to act.

SECTION 2.06(c) Neither the Council nor any of its Members shall, in any way, dictate the appointment or removal of any Town administrative officers or employees who the Manager or any of his or her subordinates are empowered to appoint except as provided in the second paragraph of Section 3.04(1).

EFFECTIVE MARCH 23, 1992

SECTION 2.01 To reduce the number of Town Councilors from seven (7) to five (5), to become effective March 23, 1992. The Council shall adjust the terms of office so that no more than two terms will expire in any one year.