

CHARTER

of the

Town of Lincolnville, Maine

November 2002

CHARTER OF THE TOWN OF LINCOLNVILLE

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CHARTER OF THE TOWN OF LINCOLNVILLE

FOREWORD

“A municipal charter is the supreme law of the land in terms of a municipality’s form of government, distribution of powers and required procedures. It prevails over any ordinances, policies or practices of local government that are inconsistent with it. It is binding with respect to all of the matters it deals with unless and until it is revised or amended in accordance with the statutory procedures for doing so (30-A M.R.S.A. Section 2101-2109).”

Written by Richard P. Flewelling, Esq. (November 4, 1999)

CHARTER OF THE TOWN OF LINCOLNVILLE

Be it enacted by the Inhabitants of the Town of Lincolnville, Maine, as follows:

ARTICLE I

GRANT OF POWERS

Section 1.01 Powers of the Town

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

Section 1.02 Construction

The powers 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 the general power stated in this article.

Section 1.03 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 agencies thereof to the extent permitted by law.

ARTICLE II

LEGISLATION

Section 2.01 Town Meeting

The legislative body for the Town shall be the Town Meeting.

A. Annual Town Meeting:

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Annual Town Meeting shall be held during the month of June of each year for municipal elections of municipal officers and other municipal officials. At such time a Moderator shall be nominated and elected by written ballot at the beginning of the Annual Town Meeting, and the Moderator shall continue to preside at the floor vote of the Annual Town Meeting. Questions to be acted upon by referendum (secret ballot) and the election of municipal officers and municipal officials shall be voted on a day in June preceding the day of the floor vote for the Annual Town Meeting and shall occur no more than seven days prior to the floor vote. As a legislative body of the Town, the Town Meeting shall have general authority for the enactment of ordinances and other legislation by the Town.

B. Town Meeting:

Town Meetings may be called by order of the Board of Selectmen or by citizen's petition, in accordance with the provisions of Title 30-A MRSA Section 2521, 2522, 2523 and 2524. At such time a Moderator shall be nominated and elected by written ballot.

C. Record of Town Meeting:

The Selectmen shall provide for keeping minutes of all Town Meetings. The minutes shall be a public record.

Section 2.02 Warrants for Town Meeting

Each Town Meeting shall be called by a warrant (M.R.S.A. Title 30-A, Sections 2521 and 2523).

- A. Articles for the Warrant. The Board of Selectmen, on its own initiative, may, by majority vote, place on the warrant any article relating to the welfare of the municipality.
- B. Petitions for Articles in the Warrant. Any qualified voter may request the Board of Selectmen to place an article in the warrant and shall present, in written form, the substance of the article. If the request is denied by the Board of Selectmen, on the written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the town at the last gubernatorial election, but in no case less than ten, the Board of Selectmen shall either insert a particular article in the next warrant issued or shall, within sixty (60) days, call a Special Town Meeting for its consideration.

Section 2.03 Ordinances

- A. All ordinances shall be enacted by the legislative body, acting through a Town Meeting, except those ordinances that the Board of Selectmen can, by law, enact.
- B. Except for emergency ordinances, or those with dates specified by statute, ordinances shall become effective seven days after adoption, unless otherwise specified therein.

Section 2.04 Emergency Ordinances

Emergency ordinances affecting life, health, property, or the public peace may be introduced or adopted in accordance with the procedures for regular ordinances except that publication and notice of public hearing requirements may be omitted, providing the enacting clause of the emergency ordinance sets forth a statement of the emergency. The emergency ordinance may be adopted by a vote of the legislative body with or without amendment at the meeting at which it is introduced. Emergency ordinances so enacted shall be automatically repealed after the time specified in the ordinance but not later than the next Annual or Special Town Meeting.

Section 2.05 Authentication and Recording of Ordinances

CHARTER OF THE TOWN OF LINCOLNVILLE

- A. Authentication and Recording. All ordinances and resolutions adopted by the Town or Board of Selectmen shall be authenticated by the signatures of the Board of Selectmen and the Town Clerk and recorded in full by the Town Clerk in a properly indexed book kept for that purpose. Such ordinances and resolutions shall be certified by the Town Clerk in accordance with Title 30A MRSA Section 3006.
- B. Printing of Ordinances and Resolutions. The Selectmen 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 as fixed by the Selectmen.

ARTICLE III

BOARD OF SELECTMEN

Section 3.01 General Powers and Duties

- A. The Board of Selectmen shall provide for the performance of all duties and obligations imposed on the Town by law.
- B. The Board of Selectmen shall have the following enumerated powers in addition to those powers granted to the Board at an Annual or Special Town Meeting.
- C. The Board of Selectmen shall have supervisory authority over the affairs of the Town.
1. The Board of Selectmen shall have the authority to appoint or to remove for cause, after notice and hearing, the Town Administrator, pursuant to the provisions of Section 4.04.
 2. The Selectmen shall, by majority vote, appoint all boards, committees, commissions and trustees with the exception of those deemed to be elected positions under Section 5.04 (A).
 3. The Board of Selectmen shall confirm, by majority vote, the Town Administrator's appointments of department heads.
 4. All appointments shall be made within thirty (30) days (to the extent practical) of the adjournment of the Annual Town Meeting, or when a special need arises.
 5. The Board of Selectmen shall have the right to initiate boards or commissions, as they deem necessary for Town affairs.
 6. The Selectmen shall serve as Overseers of the Poor and Assessors of the Town. The Board of Selectmen may appoint as required an Assessor's Agent under contract or annual retainer.
 7. The Board of Selectmen shall make temporary and full time appointments to paid and unpaid Town positions.
 8. The Board of Selectmen shall review and evaluate applications for officials and other Town positions to insure capable and qualified candidates. Job openings except those positions filled internally shall be advertised in local publications and posted in the Town Office.

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9. The Board of Selectmen shall have the authority to remove for cause, after notice and hearing, all officials and employees whom the Board is authorized to appoint and for whom the Board confirms appointment, and as set forth in Section 5.05 (A) (4).
10. The Board of Selectmen shall develop and administer a complete and appropriate personnel policy for all Town employees.
11. The Board of Selectmen shall act as a personnel board, when necessary, to resolve personnel problems that cannot be resolved by the Town Administrator, and keep complete minutes of personnel proceedings.

Section 3.02 Composition, Eligibility, Election and Terms

- A. Composition. The Board of Selectmen shall be composed of five (5) members, each of whom shall be elected by the registered voters of the entire town.
- B. The number of members on the Board of Selectmen may be changed by the legislative body of the Town.
- C. Eligibility. Only registered voters of the Town shall be eligible to hold the office of Selectman.
- D. Election. The election of Selectmen shall be held, in the manner provided by law, on a day preceding the Annual Town Meeting floor vote. At each annual municipal election Selectmen shall be elected to fill the positions of those whose terms expire.
- E. Terms. Selectmen shall be elected to serve staggered three-year terms. See Section 5.04 (A) (2) (a).
- F. Nominations for election to the Board of Selectmen shall conform with the requirements set forth in Title 30-A Maine Revised Statutes, Section 2528 (4), except as set forth in Section 8.01 of this charter.

Section 3.03 Compensation; Expenses

- A. Compensation. Annual compensation shall be paid to each Selectmen. Changes in the rate of compensation for the Selectmen shall be established from time to time by article in the Town Warrant at the Annual Town Meeting. Members serving unexpired terms shall be paid on a pro-rata basis for time served.
- B. Expenses. Board members shall receive their actual and authorized expenses incurred in the performance of their duties of office.

Section 3.04 Prohibitions

- A. Employment of Selectmen by Town. No Selectman, during his or her term of office, shall receive direct or indirect personal compensation for any goods or services provided or for employment with the Town unless such compensation for goods or services or employment is the result of a competitive bid proposal approved by the majority of the Selectmen, excluding the Selectman who would receive such compensation, in accordance with M.R.S.A., Title 30-A, Section 2605.
- B. Prohibited appointment. No Selectman, during the term for which that Selectman has been elected and for one year thereafter, may be appointed to any municipal office of profit or employment position of the Town, which was created or the compensation of which was increased by the action of the Selectmen during that Selectman's term. This section shall not be construed to prohibit actions allowed or required under state or federal law, municipal ordinance or municipal

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charter but the requirements of this subsection shall conform to the statutory requirements of Title 30-A Maine Revised Statutes, Section 2605 (5) (B).

- C. Limitations of Board Action. The Board of Selectmen shall act as a unit settling all questions by formal vote in an authorized public meeting. Members must not act individually unless some duty has been delegated to a member by a majority vote of the Board of Selectmen. A formal minority report may be issued by Board members in the minority, which shall be recorded in the minutes of the Board of Selectmen's meetings.
- D. Disposition of Tax-Acquired Property. The Board of Selectmen shall not dispose of any tax-acquired property without the approval of the Legislative Body.
- E. Interference with Administration. Except for the purpose of inquiries and investigations under Section 9.08, the Board or its members shall deal with Town officials and employees who are subject to the direction and supervision of the Town Administrator solely through the Administrator, and neither the Board nor its members shall give orders to any such officer or employee, whether publicly or privately.

Section 3.05 Vacancies; Forfeiture of Office; Filling of Vacancies

- A. Vacancies. The office of Selectman shall become vacant upon a Board member's non-acceptance, resignation, death, permanent disability, legal in-competency, and forfeiture of office or failure of the municipality to elect a person to the office.
- B. Forfeiture of Office. A Selectman shall forfeit that office if the Selectman:
 - 1. Lacks at any time during the term of office for which elected, any qualification for the office prescribed by this Charter or by law,
 - 2. Intentionally violates any express material prohibition of this Charter,
 - 3. Is convicted of a crime or offense which is reasonably related to his or her ability to serve as Selectman, or
 - 4. Fails to attend three (3) consecutive regular meetings of the Board without having been excused by the Board.
- C. Filling of Vacancies. If a seat in the Board of Selectmen becomes vacant more than five (5) months prior to the next Annual Town Meeting, the Board of Selectmen shall call a special election to fill the un-expired term. If such a vacancy occurs five (5) months or less prior to the next Annual Town Meeting, that seat shall be filled at that next Annual Town Meeting.

Section 3.06 Judge of Qualifications

Upon advance written notice to all Board members, and following a public hearing with ten (10) days advance notice to the public, the Board shall have the power to set additional standards of conduct for its members beyond those specified in the Charter and may provide for such penalties as it deems appropriate, including forfeiture of office. Decisions made by the Board under this section may be subject to judicial review.

Section 3.07 Recorder to the Board

The Selectmen shall appoint an official or employee of the Town who shall have the title of Recorder to the Board. The Recorder to the Board shall keep the journal of its proceedings and perform such other duties as are assigned by the Selectmen. A record of attendance of Board members at all regular and special meetings shall be recorded by the Recorder.

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Section 3.08 Meeting Procedure

- A. **Initial Meeting.** The members of the newly constituted Board shall meet within twenty-four (24) hours after the adjournment of the Annual Town Meeting and the Board shall organize to the extent possible as follows:
1. To be sworn to the faithful discharge of their duties by any person authorized by state law to administer oaths.
 2. Elect a Board Chairman, Vice-chairman and Secretary.
 3. To confirm and appoint Town officials as necessary, within thirty (30) days (to the extent practical) of the adjournment of Annual Town Meeting.
- B. **Regular and Special Meetings**
1. The Board of Selectmen shall, at its first meeting or as soon as possible thereafter, establish by resolution a regular place and time for holding its regular meetings, shall meet regularly at least twice a month, and shall give appropriate legal notice thereof to the public. It shall also provide a method for calling a special meeting. In the event of an emergency meeting, notice shall be made in accordance with the general laws of the State of Maine, and notice shall be posted for such emergency meetings in two conspicuous places whenever practical.
 2. All meetings of the Board of Selectmen shall be open to the public and the public shall have the opportunity to be heard. However, the Board may recess for an executive session for any reason permitted under Title 1, M.R.S.A, Section 405.
 3. The Chairman, or Vice-chairman in his absence, shall preside at meetings of the Board and shall be recognized as head of the Town government for all ceremonial purposes and by the Governor for purposes of military law, but he shall have no regular administrative duties.
 4. The Chairman shall exercise his vote in Town affairs as a regular member of the Board. The Chairman or Vice-chairman is also responsible for calling special meetings of the Board when such meetings are warranted.
- C. **Rules and Journal.** The Board of Selectmen 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.
- D. **Voting.** Voting, except on procedural motions, shall be by roll call, and the votes of each member shall be recorded in the journal if other than by unanimous vote. Three members of the Board shall constitute a quorum. No action of the Board shall be binding or valid unless adopted by affirmative vote of three Board members.

Section 3.09 General and Administrative Ordinances

- A. **Ordinances.** The Board of Selectmen may enact ordinances as authorized by M.R.S.A. Title 30-A, Chapter 141, Sections 3008 and 3009.
- B. **Articles for the Warrant.** The Board of Selectmen on their own initiative may by majority vote place on the warrant any article relating to the welfare of the municipality.

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ARTICLE IV

TOWN ADMINISTRATOR

Section 4.01 Appointment, Qualification, Compensation

- A. The Board of Selectmen shall choose the Town Administrator on the basis of his administrative qualifications, integrity of character, and technical knowledge of municipal administration.
- B. The Board of Selectmen shall appoint a Town Administrator for a specific term, as specified by contract, the first six months of which shall be probationary. The Selectmen shall, by contract, fix the compensation, benefits, holidays, vacation, and other terms, and provide for the reimbursement of the actual and necessary expenses incurred in the performance of the Administrator's duties.
- C. The Administrator need not be a resident of the Town at the time of appointment and may reside outside the Town while in office, provided that the Board of Selectmen in office at the time of his appointment approves, by majority vote, said approval not to be rescinded during that Administrator's term of office.
- D. The Town Administrator may not serve as Moderator, Selectman, Assessor or member of the School Committee.

Section 4.02 Powers and Duties of the Town Administrator

- A. Town Administrator shall be specifically appointed to and be responsible for the offices of Town Clerk, Tax Collector and Treasurer.
- B. Town Administrator's powers and duties, where not otherwise herein provided, shall be as follows:
 1. Executive and administrative officer. Shall participate in the hiring, evaluation, promotion, and discipline of employees according to Town Personnel Policies and he or she shall establish procedures for the Board of Selectmen to follow in such matters.
 2. Administer offices. Is responsible to the Selectmen for the administration of all departments and offices over which the Selectmen have control.
 3. Enforcement of laws and ordinances. Shall assist in the enforcement of laws and ordinances of the Town.
 4. Appoint department heads. Shall appoint, subject to confirmation by the Selectmen, supervise and control the heads of departments, under the control of the Selectmen.
 5. Purchasing agent. Shall act as purchasing agent for all departments of the Town, except the School Department, and submit to competitive bids any transactions involving more than two thousand dollars (\$2000).
 6. Attend meetings of Selectmen. Shall attend all meetings of the Board of Selectmen.
 7. Make recommendations. Shall make recommendations to the Board of Selectmen for the most efficient operation of the Town.
 8. Attend town meetings. Shall attend all Town meetings and hearings.

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9. Maintain an office in the municipal building. All documents, books, and records pertaining to Town offices shall be maintained in the municipal building.
10. Inform of financial condition. Shall keep the Board of Selectmen, Budget Committee, and the residents of the Town informed as to the Town's financial condition.
11. Collect data. Shall collect data necessary to prepare the budget.
12. Assist residents. Shall assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices.
13. Emergency/disaster situation. Shall assume the responsibilities assigned to the Town Manager position in the EMA manual.
14. Perform other duties. Shall perform related work as required by the Board of Selectmen.

Section 4.03 Acting or Temporary Town Administrator

- A. An office employee shall be appointed by the Town Administrator to be responsible for the operation of the office in his absence.
- B. During temporary absence or disability of the Town Administrator, a majority of the Board of Selectmen shall approve a Temporary Town Administrator and will at that time determine the compensation and hours of employment.

Section 4.04 Removal

- A. The Town Administrator may only be removed for cause upon written notice and a hearing before the Selectmen.
- B. At least forty (40) days before the proposed removal of the Town Administrator, the Selectmen shall adopt a resolution stating their intention to remove him and the reasons thereof; said resolution shall be filed with the Deputy Town Clerk.
- C. A copy of such resolution shall be served within five (5) days upon the Town Administrator who may, within ten (10) days, request a hearing in writing to the Selectmen, specifying whether such hearing shall be held in public or in executive session, in which event the Town Administrator shall not be removed until such hearing has been held.
- D. Any action of the Selectmen in removing the Town Administrator shall be by majority vote of the Board of Selectmen.
- E. The action of the Selectmen in removing the Town Administrator shall be final, subject to appeal to a court of competent jurisdiction as provided by law.
- F. Upon or after passage of any resolutions, the Selectmen may suspend the Town Administrator from duty, but normal pay shall continue until his removal. In the case of such suspension, the Selectmen may appoint a Temporary Town Administrator to act as the Town Administrator to serve at the pleasure of the Selectmen for a period up to but not exceeding 120 days.

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ARTICLE V

ADMINISTRATIVE ORGANIZATION

Section 5.01 Municipal Policy

- A. The Town of Lincolnville is an equal opportunity employer and as such will pursue, in good faith, affirmative action programs.
- B. It shall be the policy of the Town of Lincolnville to appoint, assign, and promote personnel on the basis of merit and fitness without regard to race, color, religious creed, national origin, sex, sexual orientation, ancestry, age or physical handicap, or military status unless related to bonafide occupational qualifications.
- C. All appointments and promotions of Town officials and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.
- D. The Town of Lincolnville shall prepare an affirmative action program for the Town in accordance with criteria established by state and federal law.

Section 5.02 Personnel Administration

A. Personnel Board

The Board of Selectmen shall develop and administer a complete and appropriate personnel policy for all town employees. They shall also act as a personnel board, when necessary, to resolve personnel problems occurring in the town administration and keep complete minutes of personnel proceedings.

- B. Wage and Personnel Policy Board – There shall be a Wage and Personnel Policy Board consisting of no more than five (5) members appointed by the Board of Selectmen for staggered three-year terms. The primary role of this board is explore Lincolnville’s employment policies (including but not limited to: salary, benefits, job descriptions, and contracts) and to review and update the town Personnel Policy.

Section 5.03 Legal and Professional Services

- A. Attorney – appointed annually by the Board of Selectmen
- B. Assessor’s Agent – appointed annually by the Board of Selectmen
- C. Auditing Company – contracted by the Board of Selectmen

Section 5.04 Elected and Appointed Officials; Compensation

A. Elected Positions

- 1. The election of officials in conjunction with the last Annual Town Meeting shall require that those Town offices continue to be filled by election until the Town designates otherwise at a meeting held at least ninety (90) days before the Annual Town Meeting. Officials required by statute to be elected are Selectmen, School Committee members, and Moderator (Moderator per Section 2.01 B.)
- 2. The following elected positions shall be determined by secret ballot vote in conjunction with the Annual Town Meeting:

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- a) Board of Selectmen – Five (5) members :staggered three year terms with members elected to terms as follows: two (2) in the first year, two (2) in the second year, and one (1) in the third year of each three year interval.
 - b) School Committee Members – Five (5) members :staggered three year terms with members elected to terms as follows: two (2) in the first year, two (2) in the second year, and one (1) in the third year of each three-year interval.
 - a) Budget Committee Members – Nine (9) members --staggered three years terms with three members elected during each year of each three-year interval.
 - b) CSD – Two (2) members – staggered three year terms with one member elected during the first year, one elected during the third year of each three-year interval.
3. Positions, other than Selectmen, unfilled at the time of election or any vacancies occurring during a regular term may be filled by appointment until the next Annual Town Meeting at the discretion of the Board of Selectmen.

B. Appointed Positions

1. The Board of Selectmen shall, by majority vote, appoint all boards, committees, commissions and officials not elected. Such annual appointments shall be made within thirty (30) days (to the extent practical) of the Annual Town Meeting or when a special need arises.
2. The appointment of officials in conjunction with the last Annual Town Meeting shall require that those Town offices continue to be filled by appointment until the Town designates otherwise at a meeting held at least ninety (90) days before the Annual Town Meeting.
3. The following positions shall be appointed:
 - a) Town Clerk – term of one year
 - b) Deputy Town Clerk – term of one year
 - c) Registrar of Voters – term of two years
 - d) Sexton – term of one year
 - e) Plumbing Inspector – term of one year
 - f) Electrical Inspector – term of one year
 - g) Sealer of Weights and Measures – term of one year
 - h) Treasurer – term of one year
 - i) Animal Control Officer – term of one year
 - j) Code Enforcement Officer – term of one year
 - k) Harbor Master – term of one year
 - l) Attorney for the Town – term of one year
 - m) Inland Harbor Master – term of one year
 - n) Welfare Director – term of one year
 - o) Tax collector – term of one year
 - p) Health Officer – term of three years
 - q) Building Inspector – term of one year
 - r) Emergency Director – term of one year
 - s) Election (Ballot) Clerks – term of two years
 - t) Financial Director
 - u) Other positions as may be required

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Section 5.05 Departments

A. Fire Department

1. Fire prevention and fire fighting services for the Town, shall be provided by the Lincolnville Volunteer Fire Department.
2. The Fire Chief and Deputy Chief shall be elected by the Fire Department members annually, subject to approval and confirmation by the Board of Selectmen.
3. The Fire Chief shall submit an annual budget to the Board of Selectmen for inclusion in the Annual Town Warrant.
4. The Board of Selectmen shall have the authority to remove for cause, after notice and hearing, the Fire Chief or the Deputy Fire Chief.

B. Law Enforcement

1. Police protection and public safety for the town, shall be provided by a Police Department having a full time Police Chief and police personnel (full or part-time) as needed.
2. The Board of Selectmen shall, by majority vote, appoint
 - a) Police Chief – term of three years
 - b) Police Personnel – term of one year
3. The Police Chief shall submit an annual budget to the Board of Selectmen for inclusion in the Annual Town Warrant.

C. Public Works

1. Maintenance of the Town roads, ditches, culverts, and Town property shall be provided by a Public Works Department as well as other requirements determined by the Town and/or the Board of Selectmen.
2. The Board of Selectmen shall, by majority vote, appoint
 - a) Road commissioner – Appointed for a term of three (3) years
3. The Road Commissioner shall submit an annual budget to the Board of Selectmen for inclusion in the Annual Town Warrant.

D. Lincolnville School

1. The Lincolnville School shall be administered under the control of the local School Committee.
2. The administrative head of the Lincolnville School shall be the Superintendent and shall be appointed by the School Committee.

Section 5.06 Boards, Committees and Commissions

A. Duties and Responsibilities

1. Regular members and alternates should attend as many meetings as possible.
2. Work with other departments, committees and municipal officials.
3. All meetings shall be held in a public handicap accessible place, publicly announced or posted and open to the public. Meetings may be televised.

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4. Draft minutes shall be submitted to the Town Office as soon as possible for distribution to the Board of Selectmen.
5. Members shall meet publicly to discuss and fulfill the committee's charge.
6. Work with the Comprehensive Plan as a guideline – keeping in mind that the Plan will continue to be revised and updated to project Lincolnville's future.
7. Voting members shall elect annually a Chair, Vice Chair and Secretary.
8. An alternate may participate in discussions but may vote only in the absence of a regular member.
9. Chairman shall submit a written report of activities to the Board of Selectmen to be included in the Annual Town Report.
10. Chairman shall submit an annual budget to the Board of Selectmen for inclusion in the Annual Town Warrant.
11. A board or committee member should excuse himself from debate and voting if there is a conflict of interest or appearance of one and/or feels he is unable to make a fair and unbiased decision.
12. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.

B. Standing or Regular Boards, Committees or Commissions

1. Planning Board – shall review subdivision applications in accordance with the provisions of Lincolnville's Subdivision Ordinance, review applications for activity in the Shoreland Zone in accordance with the provisions of the Land Use Ordinance, work in collaboration with the Land Use Committee to prepare amendments for zoning and other land use ordinances, and shall consist of:
 - a) Five (5) voting members with staggered 3-year terms
 - b) Two (2) alternates appointed annually
2. Board of Appeals – shall have the power and authority set forth in Title 30-A MRSA, Section 4353 and, in addition, any other powers or authority set forth in any zoning ordinance or other ordinances adopted by the legislative body of the Town and shall consist of:
 - a) Five (5) voting members with staggered 3-year terms
 - b) Two (2) alternates appointed annually
3. Comprehensive Plan Review Committee – shall continue to review and update the Comprehensive Plan annually to assure that it meets current needs and requirements of the community and shall consist of:
 - a) Five (5) voting members with staggered 3-year terms
 - b) Two (2) alternates appointed annually
4. Conservation Commission – shall have duties and responsibilities as outlined by law and of the needs of the town; and shall consist of:
 - a) Five (5) voting members with staggered 3-year terms
 - b) Two (2) alternates appointed annually

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5. Recreation Commission – shall advise the Town and Municipal Officers on matters of recreation, and shall supervise any Town recreation programs; and shall consist of:
 - a) Five (5) voting members with staggered 3-year terms
 - b) Two (2) alternates appointed annually
 6. Board of Assessment Review – shall hear property owner appeals for property valuation abatement denials by the Municipal Officers; and shall consist of:
 - a) Five (5) voting members with staggered 3-year terms
 - b) Two (2) alternates appointed annually
 7. Cemetery Trustees – shall oversee the maintenance and upkeep of the Town cemeteries and shall consist of:
 - a) Five (5) voting members with staggered 3-year terms
 - b) Two (2) alternates appointed annually
 8. Harbor Committee – shall act as an advisory committee to the Board of Selectmen on matters related to the harbor and shall develop and write requests for state/federal grants of harbor related marine projects, and shall consist of:
 - a) Five (5) voting members with staggered 3-year terms
 9. Land Use Committee – shall write, rewrite and/or amend zoning and land use ordinances in collaboration with the Planning Board and shall consist of:
 - c) Five (5) voting members with staggered 3-year terms
 - d) Two (2) alternates appointed annually
 10. Financial Advisory Committee – shall identify investment objectives, define risk tolerance, continually monitor the investment process, and to submit their findings to the Board of Selectmen and shall consist of:
 - e) Town Treasurer and Finance Director shall be permanent advisory members
 - f) Three (3) voting members with staggered 3-year terms
- C. Ad Hoc or temporary committees as needed
- D. Compensation and budgets -- shall be determined at the Annual Town Meeting.

ARTICLE VI

SCHOOL ADMINISTRATION

Section 6.01 School Committee

- A. The Lincolnville School shall be administered under the control of the Lincolnville School Committee.
- B. The School Committee shall be governed by Title 20-A, M.R.S.A. Sections 2301 - 2305, and by other pertinent provisions of state law.
- C. The number of members on the School Committee may be changed by the legislative body of the Town.
- D. There shall be a School Committee consisting of five (5) members elected for staggered 3-year terms. See Section 5.04 (A) (2) (b)

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- E. The Chairman shall be elected at the Committee's first regular meeting after the adjournment of the Annual Town Meeting.

Section 6.02 CSD

- A. Two (2) Lincolnville citizens shall be elected to the Five Town Community School District (CSD) for staggered 3-year terms. See Section 5.04 (A) (2) (d)

Section 6.03 School Fiscal Year

- A. The school fiscal year shall run from July 1 to June 30.
- B. A proposed school budget shall be submitted to the Budget Committee for their recommendation.
- C. The School Committee shall prepare the school budget.
- D. The School Budget shall be included in the Town Warrant for a vote at the Annual Town Meeting.

ARTICLE VII FINANCIAL PROCEDURES

Section 7.01 Fiscal Year

The fiscal year of the Town of Lincolnville shall begin on the first day of July and end on the last day of June.

Section 7.02 Budget Committee

- A. Composition – The Budget Committee shall be composed of nine (9) members, each of whom shall be elected by the registered voters of the entire town.
- B. Eligibility – Only registered voters of the town shall be eligible to hold the office of Budget Committee member.
- C. Election – At each regular municipal election Budget Committee members shall be elected to fill the positions of those whose terms expire.
- D. Terms – Budget Committee members shall be elected to serve staggered three-year terms. See Section 5.04 (A) (2) (c).
- E. Responsibility –
 - g) The Budget Committee shall have the responsibility of reviewing and evaluating both the Town budget and School budget.
 - h) The Budget Committee shall aid the Municipal Officers in determining recommended expenditure.
 - i) The Budget Committee shall aid the School Committee in determining recommended expenditures.
 - j) The Chairman of the Budget Committee shall have the responsibility of chairing all Budget Committee meetings, including those meetings held with the Board of Selectmen, School Committee and the Town.
 - k) The Budget Committee shall handle all requests from provider agencies and determine the amounts to recommend for expenditures.
- F. Meeting Requirements –

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1. In the month of August of each year, the Budget Committee shall meet to elect a Chairman, Vice-chairman, and Secretary.
2. Before the budget process begins, the Chairman shall call an orientation meeting devoted to procedures and responsibilities, scheduling, and reviewing budget follow-up reports from the Town Administrator and the Superintendent.
3. All Budget Committee meetings shall be open to the public and notice posted.
4. The Chairman of the Budget Committee shall call a meeting with the Town Administrator and Selectmen for a formal review of the Town Budget in the month of March.
5. The Chairman of the Budget Committee shall call a meeting with the Superintendent and School Committee for a formal review of the School Budget in the month of April.
6. The Chairman of the Budget Committee shall hold a public hearing no later than April 30th, at which both the Board of Selectmen and the School Committee shall present and review their respective budgets.
7. The Budget Committee shall make recommendations to the Town on proposed expenditures at a public budget hearing in the month of May.

G. Recommendations –

1. The Budget Committee shall make recommendations to the Board of Selectmen on proposed expenditures.
2. The Budget Committee shall make recommendations to the School Committee on proposed expenditures.
3. The Budget Committee shall give a recommendation on all articles requesting an appropriation of money. The article on the warrant involving the appropriation of money must include a printed recommendation by the Budget Committee, Municipal Officers and/or School Committee.

Section 7.03 Town Budget

- A. The Town Budget shall provide a complete financial plan of all Town and Town Administration funds and activities for the ensuing fiscal year, and, except as required by this Charter, shall be in such form as the Town Administrator deems desirable or the Board of Selectmen may require.
- B. Budget Organization -- The Town Administrator shall utilize the most feasible combination of expenditure classifications by fund, organization unit, program, purpose or activities and object.
- C. Finance Director – The Finance Director shall assist the Town Administrator in the Budget preparation and other financial matters as directed by the Board of Selectmen.
- D. Budget Preparation
 1. No later than the first Board of Selectmen’s meeting in March, the Town Administrator shall submit to the Board of Selectmen a budget for the ensuing fiscal year, and an accompanying message.
 2. The Town Administrator’s message shall explain the budget in fiscal terms, describe the more important features of the expenditures and revenues together with the reasons for such changes, summarize the Town’s debt position, and include such other material as the Board of Selectmen deems desirable.

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3. The budget prepared by the Town Administrator shall be reviewed by the Board of Selectmen which shall approve such proposed budget, with or without amendment, prior to a formal meeting with the Budget Committee.
4. The Town Administrator and Board of Selectmen shall meet with the Budget Committee for a formal review of the Town Budget in the month of March. See Section 7.02, (F) (4).

E. The Gross Town Budget shall show:

1. All estimated income that includes property taxes as well as non-property tax revenues and all proposed expenditures for current operations during the ensuing fiscal year in detail by office, departments and agencies in terms of their respective work programs, and the method of financing such expenditures.
2. Debt service, and proposed capital expenditures during the ensuing fiscal year detailed by offices, departments and agencies when practical, and the proposed methods of financing such expenditures.
3. Data arranged to show comparative budget figures for the estimated income and expenditures for the fiscal year in progress, the comparative actual income and expenditures for the most recently completed fiscal year, and the proposed income and expense budget for the ensuing fiscal year.
4. The best estimate of the anticipated change in Town Assessed Valuation from the prior year, as provided by the Assessor's Agent.

Section 7.04 School Budget

- A. The School Budget shall provide a complete financial plan of all School Administration funds and activities for the ensuing fiscal year, and, except as required by this Charter, shall be in such form as the Superintendent deems desirable or the School Committee may require.
- B. Budget Organization -- The Superintendent shall utilize the most feasible combination of expenditure classifications by fund, organization unit, program, purpose or activities and object.
- C. School Budget Preparation
 1. The School Committee is responsible for the preparation and presentation of the School Budget.
 2. The School Budget shall be reviewed and revised, in preparation for its inclusion in the Town Warrant and vote at the Annual Town Meeting, in accordance with Section 7.02, F (5) and (6)
- D. The Gross School Budget shall show:
 1. All estimated income and all proposed expenditures for current operations during the ensuing fiscal year in detail by office, departments and agencies in terms of their respective work programs, and the method of financing such expenditures.
 2. Debt service, and proposed capital expenditures during the ensuing fiscal year detailed by offices, departments and agencies when practical, and the proposed methods of financing such expenditures.
 3. Data arranged to show comparative budget figures for the estimated income and expenditures for the fiscal year in progress, the comparative actual income and

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expenditures for the most recently completed fiscal year, and the proposed income and expenditures for the ensuing fiscal year.

Section 7.05 Town and School Budget Submissions and Budget Message

- A. A proposed budget and budget message, both by the Board of Selectmen and the School Committee, shall be presented for review at a public hearing
- B. The budget messages from the Town Administrator and Superintendent shall explain the budgets in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the town and school for the ensuing fiscal year, describe the important features of the budgets, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the town's debt position and include such other materials as the Selectmen and school committee deem desirable.

Section 7.06 Budget Follow-up

Following the close of the fiscal year and no later than October 31, the Town Administrator and the School Superintendent respectively shall furnish to the Chairman of the Budget Committee a copy of the estimated income and proposed expenditures as compared with the actual for each in order to facilitate the preparation and review of the next fiscal year's budget. The formats shall be the same as those described in Section 7.03 and 7.04.

Section 7.07 Preparation of Warrants

The Board of Selectmen shall determine the procedure for preparing warrants and writing corresponding checks for payment of Town expenses. No checks shall be signed until the warrants are approved and signed by the Board of Selectmen.

Section 7.08 Payment of Town Taxes

- A. Town taxpayers shall be permitted to pay their real estate taxes in two (2) installments.
 1. Tax bills for the total taxes due shall be issued no later than August 31 each year.
 2. One half (50%) the total amount of real estate taxes shall be due in October on a date to be specified by the Board of Selectmen.
 3. One half (50%) the total amount of real estate taxes shall be due in April on a date to be specified by the Board of Selectmen.
- B. A postcard shall be mailed to the taxpayers in February of each year as a reminder of outstanding taxes due.
- C. The Annual Town Meeting shall establish the amount of interest to be charged for delinquent tax payments.

Section 7.09 Budget Amendments After Adoption

- A. Modification of Appropriations -- If at any time during the fiscal year it appears probable to the Town Administrator that the revenues available will be insufficient to meet the amount appropriated, the Town Administrator shall report to the Board of Selectmen without delay, indicating the estimated amount of the deficit, any remedial action taken by him, and his recommendations as to any other steps to be taken. The Board of Selectmen shall then take any further action as it deems necessary to prevent or minimize any deficit.

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- B. Transfer of Appropriations -- The Board of Selectmen may call a Special Town Meeting to consider and vote on the transfer of part or all of any unencumbered appropriations balance from one appropriation to another.

Section 7.10 Lapse of Appropriations

- A. General fund appropriations, except appropriations for a capital expenditure, grant funds not completely expended for a project, and funds allotted for projects not completed by fiscal year end, shall lapse at the close of the fiscal year to the extent that they have not been expended or encumbered, or except as prohibited by law or prior agreement, or unless the Town legislative body has granted specific authority to continue in force an appropriation for other than a capital expenditure.
- B. Lapsed funds shall be transferred to a Fund Balance Account.
- C. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

Section 7.11 Annual Post-Audit

The Board of Selectmen shall provide for an annual post-audit of the prior fiscal year municipal finances by an individual or firm.

Section 7.12 Administration of the Budget

The Board of Selectmen shall decide the procedures for administering the budget.

Section 7.13 Financial Public Records

- A. Copies of the budget and the capital program as adopted by the Board of Selectmen, School Committee, and Budget Committee shall be public record and shall be made available to the public.
- B. Town Warrant – The Town Warrant shall contain the total budgeted revenues and expenditures for the two previous years, together with (under each article requiring an appropriation) the recommendation for the ensuing fiscal year of the School Committee or Board of Selectmen (as appropriate) and of the Budget Committee.

Section 7.14 Bid Procedure

In those cases where the scope of work or services to be performed for the Town or the School shall require an expenditure of \$8000.00 or more, the following guidelines shall be followed:

- A. A clear statement defining the required scope of services or specifications of the work to be performed shall be provided to the potential bidders along with notice as to where the bid forms may be picked up.
- B. The manner of which the bids are to be submitted, when they shall be due in the Town Office or Superintendent Office as appropriate, and when the bids are to be opened shall be clearly stated.
- C. Requests for bids shall be advertised in the local papers. Such advertisements should include the statement that “the Selectmen reserve the right to accept or reject any or all bids.”

Section 7.15 Tax Anticipation Borrowing Guidelines

In the event that the Town of Lincolnville finds it necessary to borrow money in anticipation of taxes, the following guidelines shall be followed:

- A. Invitations to bid shall be extended to three or more banks at the same time

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- B. Invitations shall be dated and delivered to the invited banks on a timely basis prior to the bid opening and awarding of the bid
- C. Invitation to bid shall specify the maximum amount to be borrowed
- D. The method of borrowing shall be clearly defined; i.e., as needed or lump sum
- E. Invitation shall specify planned maturity dates of said notes, and may require the option to prepay
- F. Invitation shall show estimated planned borrowing and repayment schedule. (Does not apply if borrowing is on a lump sum basis.)
- G. Invitation shall state the date, time and place bids are due, and shall indicate date the bids will be opened and awarded
- H. Invitation shall inform bidders of the Town's right to accept or reject any or all bids
- I. Bidder shall be asked to submit interest rates in multiples of one-hundredth (1/100) of one percent (1%)
- J. The Town must specify the method in which interest shall be calculated; i.e., actual number of days outstanding over a 365- day period

Section 7.16 Town Clerk's Fees

Pursuant to Title 30-A, Section 2652, any and all fees which would normally accrue to the Town Clerk shall accrue directly to the Town of Lincolnville.

ARTICLE VIII ELECTIONS

Section 8.01 Town Elections

The procedure for election of officers shall be as follows:

- A. The nomination for any elected office shall be made by nomination papers signed by not less than twenty-five (25) nor more than a hundred (100) persons registered to vote in Lincolnville. Nomination papers shall be made available by the Town Clerk to prospective candidates during the 40 days prior to the final date of filing, and before issuance, the Town Clerk may complete each sheet by filling in the name of the candidate, the title and term of office which is being sought.
- B. Each voter who signs a nomination paper shall add his place of residence with the street and number, if any. He may subscribe to only as many nomination papers for each office as there are vacancies to be filled.
- C. The Municipal Officers may designate a shorter time period for the filing of nomination papers but not less than forty (40) days prior to the election. Notice of this designation shall be posted and local representatives of the media shall be notified of the designation.
- D. The names of candidates nominated and the office for which they are nominated shall be attested by the Clerk and posted at least seven (7) days prior to the date designated for election in at least two public places and a newspaper of local circulation.
- E. The election of officials shall take place during the secret ballot portion of the Annual Town Meeting.

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- F. Order of Candidates' Surnames – Where two or more candidates have been nominated for any office, the names of such candidates shall appear on the ballot in alphabetical order by surname.
- G. Determination of Election Results
 - 1. Number of Votes: Every voter shall be entitled to vote for as many candidates as there are vacancies to be filled.
 - 2. Plurality: Election shall be determined by plurality vote. In case of a tie vote, there shall be another election in which ballots shall be cast in accordance with the procedures set forth in Title 30-A, M.R.S.A., Section 2528 (10).
 - 3. Write-in Candidates: A write-in candidate shall be elected by plurality vote, provided that such write-in candidate shall receive a minimum of five (5) votes. Any write-in candidate receiving fewer than five votes shall not be considered elected.
- H. Ballots for Ordinances – An ordinance to be voted on by secret ballot shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title but shall be a clear, concise statement describing the substance of the measure without argument or prejudice.
- I. Conformity with State Law – To the extent that provisions concerning elections are not otherwise set forth in this Charter, provisions relating to elections shall conform with the requirements of Title 30-A, M.R.S.A., Section 2528.

Section 8.02 Terms for Elected or Appointed Officials

- A. The term of any elected official shall begin the day after the final day of adjournment of the Annual Town Meeting.
- B. The term of any appointed official shall begin no later than the second business day following the appointment of said official.
- C. Any official shall serve for his prescribed term or until a successor is elected or appointed.

Section 8.03 Swearing in of Officials

Every town official shall be sworn to the faithful discharge of the duties incumbent upon him according to the Constitution and laws of the State of Maine and the Charter and ordinances of the Town of Lincolnville and shall be sworn to support the Constitution of the United States of America and the Constitution of the State of Maine.

Section 8.04 Elections

In the event that any election procedure is not expressly stated in this Charter, such election procedure shall conform to the requirements set forth in Title 30-A Maine Revised Statutes §2528, as that statute may from time to time be amended.

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ARTICLE IX
GENERAL PROVISIONS

Section9.01 Town Meeting

Town Meetings may be called by order of the Selectmen or by citizen's petition, in accordance with the provisions of Title 30-A, M.R.S.A., Section 2521 (4).

Section9.02 Initiative and Referendum

The powers of initiative and referendum are hereby reserved to the voters of the town.

A. Definition:

1. Initiative guarantees the right by which citizens can propose a law by petition and ensure its submission to the electorate.
2. Referendum is the actual submission of a proposed public measure or ordinance to a direct popular vote.

B. Procedure:

1. The details of procedure by which both of these rights are fulfilled are described in Title 30-A, M.R.S.A., Section 2522 for initiative and Section 2528(5) for referendum.
2. Nothing in this Charter shall be construed to diminish the rights granted by law.

Section9.03 Conflicts of Interest

A. Conflicts of Interest -- The use of public office for private gain is prohibited. Regulations to this end shall include the following:

1. Acting in an official capacity on matters in which the official has a private or financial interest clearly separate from that of the general public
2. The acceptance of gifts and other things of value
3. Acting in a private capacity on matters dealt with as a public official
4. The use of confidential information
5. Making appearances by town officials before other town agencies on behalf of private interests.
6. Officials shall provide reasonable public disclosure of interest in any question, issue or contract with which they have decision-making authority over monetary expenditures and contractual matters. (Ref. M.R.S.A., Title 30-A, Section 2605)

Section9.04 Prohibitions

A. Activities Prohibited

1. No appointed official or employee shall be removed from office or discharged without notice and the opportunity to request a hearing. Notice of such hearing shall be published in one or more newspapers of general circulation in the town at least one week in advance of the hearing.
2. No person shall in any way be favored or discriminated against with respect to any town position or appointive town administrative office because of race, gender, age, handicap, country of origin, sexual preference, political or religious opinions or affiliations.

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3. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test certification or appointment under the personnel provisions of this charter or the rules and regulation made there-under, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
 4. No person shall directly or indirectly give, pay, render, 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.
 5. Nothing herein contained shall affect the right of any person to hold membership in, and support, a political party, to vote as he chooses, to express privately and publicly his opinions on all political subjects and candidates, to maintain political neutrality and to attend political meetings.
- B. Penalties – If any person elected, appointed or in the employ of the Town of Lincolnville should be found to have violated any provision of Section 9.04 (A) by the appointing body, he may be removed or reprimanded as deemed necessary by the appointing body, after notice and hearing.

Section 9.05 Recall

Any elected official may be recalled and removed by the voters of the Town as herein provided.

A. Procedure for Filing Petition.

1. Any voter may submit an affidavit with the signatures of five (5) or more registered voters of the Town and file that affidavit with the Town Clerk in order to seek the removal of any elected official of the Town provided that such affidavit shall contain the following information:
 - a) The name and address of the five or more registered voters.
 - b) The address to which all notices are to be sent from the Town Clerk to the person submitting the petition.
 - c) The name and address of the elected official whose removal is sought.
 - d) A detailed statement of the reasons why the removal of that elected official is sought.
2. Upon receipt of the affidavit, in proper form, the Town Clerk shall thereupon within five days deliver to the person submitting such affidavit, copies of petition blanks (printed forms of which shall be kept on hand for that purpose). Such blanks shall be issued by the Town Clerk with the Town Clerk's signature and official seal thereto attached; they shall be dated and addressed to the Board of Selectmen, shall contain the name of the persons to whom issued, the number of blanks shall be issued and circulated for each official whose removal is sought. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk.
3. The recall petition, to be effective, must be returned and filed with the Town Clerk within thirty (30) calendar days after the filing of the affidavit.
4. The petition, upon being returned and filed, shall contain the signatures of no less than twenty (20) percent of the voters of the municipality voting in the last gubernatorial election.

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5. The petition, to be valid, must also contain the following information:
 - a) The name and address of the elected official whose removal is sought by the petition
 - b) The name and address of the five registered voters who commenced the circulation of the petition
 - c) A detailed statement of the reason why the removal from office is sought by the petitioners

B. Signatures to Petitions.

1. The signatures to petitions need not all be affixed to one petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating that the circulator, and they only, personally circulated the foregoing paper; that it bears a stated number of signatures; that each signature appended thereto was made in the circulator's presence and is to the best of the circulator's knowledge and belief the genuine signature of the person whose name it purports to be.
2. With each signature shall be stated the same name printed, the place of residence of the signer, giving the street and number or other description sufficient to identify the same.

C. Filing, Examination and Certification of Recall Petitions.

1. All petition papers comprising a recall petition shall be assembled and filed with the Town Clerk as one instrument.
2. Within ten (10) working days after a petition is filed, the Town Clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters. The Town Clerk shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof.
3. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted, unless void on other grounds.
4. If the Town Clerk's certificate shows the petition to be insufficient, the Town Clerk shall forthwith so notify in writing one or more of the persons designated on the petition as filing the same; and the petition may be amended at any time within the five (5) day after the giving of the notice of a supplementary petition upon additional papers, issued, signed and filed as provided herein for the original petition.
5. The Town Clerk shall, within ten (10) working days after such amendment, make like examination of the amended petition, and attach thereto the certificate of the result. If then found to be insufficient, or if no timely amendment was made, the Town Clerk shall file the petition in the Town Clerk's office and shall notify each of the persons, designated thereon as filing it, of that fact.
6. The final finding of insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose. After completing examination of the petition, the Town Clerk shall certify the result thereof to the Board of Selectmen at its next regular meeting. If the Town Clerk shall certify that the petition is insufficient, the particulars in which it is defective shall be set forth in the certificate.

D. Calling of recall election.

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1. If the petition or amended petition shall be certified by the Town Clerk to be sufficient, the Town Clerk shall submit the same with the certificate to the Board of Selectmen at its next meeting and shall notify the member or members whose removal is sought of such action.
2. The Board of Selectmen shall at such meeting order an election to be held not less than thirty (30) nor more than sixty (60) days after the Selectmen meeting; provided that, if the date set for the special election shall fall within four (4) months of the next regular or state or municipal election, no such special election shall be called and the question shall be submitted at the regular election.

E. Form of ballot in recall election.

1. Unless the member or members whose removal is sought shall have resigned before the receipt by the Board of Selectmen of the Town Clerk's certificate, the form of the ballot at such election shall be as nearly as may be: "Shall "A" be recalled? Shall "B" be recalled?" etc., (the name of the member or members whose recall is sought being inserted in place of "A", "B", etc.)
2. In case of a majority of those voting for and against the recall of any official shall vote in favor of the recall, such official shall be thereby removed, provided however that the total number of votes cast equal or exceed 40% of the votes cast in the last gubernatorial election.
3. Any such vacancy shall be filled at the next scheduled regular or special election. Should the Board of Selectmen by vote deem it in the best interest of the Town to fill such vacancy before the next scheduled election, then the vacancy shall be filled within sixty (60) days by a special election called by the Board for that purpose.

F. Procedure on refusal of Board of Selectmen.

1. In the event the Board of Selectmen fails or refuses to order a recall election, pursuant to the provisions set forth in this Section 9.05, then such election may be ordered by any Justice of the Superior Court, upon complaint to the Superior Court by any registered voter of the Town, such complaint shall be filed pursuant to Rule 80-B of the Maine Rules of Civil Procedure and in accordance with the time limits for filing of such complaint set forth in Rule 80-B.

Section 9.06 Bonds

The Board of Selectmen shall require a bond by a reputable surety company, or other acceptable sureties satisfactory to the Board, from all persons trusted with the collection, custody or disbursement of any monies of the Town. The Town, however, shall pay the costs of providing such bonds.

Section 9.07 Public Records

- A. Public records shall be made available to the public at the Town Office.
- B. The records of all Town officials, whether elected or appointed, shall remain in the Town Office or other secure facility as directed by the Board of Selectmen, and be made available for examination, by appointment, to the public. In order to insure availability, the town office shall be open during specified times, such times to be determined by the Board of Selectmen in conjunction with the Town Clerk and posted in a public place.

Section 9.08 Investigations

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The Board of Selectmen, or authorized committees, or commissions of its own members, or of citizens appointed by the Board of Selectmen may make investigation into the affairs of the town and the conduct of any town department, office, official, employee or agency.

Section 9.09 Separability

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If an 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.

Section 9.10 Statutory References

All references to statutes incorporating statutory language are intended to incorporate the language of that statute as it existed as of the date of adoption of this Charter, and any amendments thereto.

Section 9.11 Gender Neutral

Wherever required by the context in this Charter, the use of the masculine shall include the feminine, the feminine shall include the masculine, and the use of the singular and the plural shall be interchangeable.

ARTICLE X

CHARTER AMENDMENTS

Section 10.01 Charter Amendments

Amendments to the Charter, which may be appropriate due to changed circumstances, may be initiated either by the municipal officers, or by the voters of the Town. Procedures are outlined in Title 30-A, M.R.S.A., Section 2104 and 2105.

ARTICLE XI

TRANSITIONAL PROVISIONS

Section 11.01 Effective Date

After adoption of this Charter by the voters in conformity with Title 30-A, M.R.S.A., Section 2105 (4) (A), this Charter shall become effective on July 1, 2003, which is the first day of the next succeeding municipal year; provided, however, that this Charter shall become effective immediately for the purposes of conducting any elections required by this Charter (Title 30-A, M.R.S.A., Section 2105 (4) (A)).

Section 11.02 Budget Committee

All members serving on the Budget Committee at the effective date of this Charter shall continue to hold office until their prescribed term expires and their successors are elected and qualified.

Section 11.03 Temporary Ordinances

All existing codes, ordinances, and policies will remain in effect until altered, amended, or rescinded except where these codes, ordinances, and policies are inconsistent with this Charter.

CHARTER OF THE TOWN OF LINCOLNVILLE

Section 11.04 Officials, Employees, and Board Members

A. Continuance of Office or Employment

1. Except as specifically provided by this Chapter, if at the time this Charter takes full effect a Town official or employee holds any office or position which is abolished by or under this Charter, he 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 or until his term of office expires or is terminated..
2. All established boards and committees not inconsistent with this Charter shall continue in effect until changed by action of the Board of Selectmen, and the incumbent members shall serve their appointed terms or until replaced.

Section 11.05 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 designated in this Charter, or if the Charter makes no provision, designated by the Board of Selectmen.

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 Board of Selectmen in accordance with this Charter.

Section 11.06 Pending Matters

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

Section 11.07 State and Municipal Laws

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, officials 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.

CHARTER OF THE TOWN OF LINCOLNVILLE

GLOSSARY

Assessor	Board of Selectmen
Assessor's Agent	An Assessor certified by the State of Maine
Boards	Decision-making or administrative bodies of the Town, such as Board of Selectmen, Planning Board, and Board of Appeals.
Capital Expenditure/Program	Investment in long-term or permanent assets.
Charter	A document defining the home rule powers of the Town, granted to the municipalities by the Constitution and laws of the State of Maine.
Comprehensive Plan	A community development plan for the continuing development of the municipality. The plan includes maps, charts, and textual matter. The basic comprehensive plan has the following elements: a statement of objectives; a plan for land use; a plan for community facilities and utilities; and a map indicating the relationship of the proposed developments to areas in the municipality. The comprehensive plan includes the data and information as set forth in Title 30-A M.R.S.A. §4326.
Ensuing Year	The fiscal year subsequent to the current fiscal year.
Fiscal Year	The year with reference to accounting for finances and financial matters.
Legislative Body	Registered voters of the Town.
Moderator	The presiding official at a Town Meeting.
MRSA	Maine Revised Statutes Annotated.
Municipality	Town of Lincolnville.
Municipal Officers	Board of Selectmen.
Municipal Official	Any elected or appointed member of municipal government.
Municipal Year	Town's fiscal year.
Overseers of the Poor	Board of Selectmen acting as Overseers of the Poor.
Petition	Document with sufficient signatures by statute that requires submission of an issue to the voters of the Town.
Qualified Voter	Any person qualified and registered to vote under law in the Town of Lincolnville
Quorum	A minimum number of members to constitute a legal body to conduct business.
Resident	A person occupying a residence within the Town with intent to make that place his permanent home.
Secret Ballot	A secret ballot within the meaning of Title 30-A MRSA 2528.

CHARTER OF THE TOWN OF LINCOLNVILLE

Staggered Terms	Terms of office which are arranged so that such terms shall expire in different years; the purpose of staggered terms being continuity of office. Except as otherwise stated in this Charter, a staggered three year term shall mean election or appointment of two members in the first year, two members in the second year, and one member in the third year of each three-year interval.
Surety	A guarantee of performance, payment or other obligation.
Town	Town of Lincolnville, Maine.
Warrant	A document stating the time and place of the meeting and, in distinct articles, the business to be acted on at the meeting.

Enacted	March, 1985
Repealed	07-01-1990
Amended	11-08-1994
Amended	01-01-1995
Amended	01-29-2002
Revised and Approved	11-05-2002