

# CHARTER TOWN OF LINCOLN, MAINE

Penobscot County



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**ARTICLE I**

**GRANT OF POWERS TO THE TOWN**

**SEC. 101. Incorporation; Powers of the Town.**

The inhabitants of the Town of Lincoln shall continue to be a municipal corporation under the name of the Town of Lincoln and shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said Town as a municipal corporation, or the inhabitants or municipal officers thereof. It may enact bylaws, regulations and ordinances not inconsistent with the Constitution and laws of the State of Maine and impose penalties for the breach thereof as provided by the laws of the State of Maine.

**SEC. 102. Construction.**

The powers of the Town under this charter shall be construed liberally in favor of the Town, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this article.

**ARTICLE II**

**TOWN COUNCIL**

**SEC. 201. Number, Eligibility, Election and Terms.**

1. Number. There shall be a Town Council composed of 7 members elected by the voters of the Town at large.
2. Eligibility. Only voters who reside in the Town of Lincoln and do not have a spouse employed by the Town shall be eligible to hold office as councilperson.
3. Election and Terms. Each member shall be elected for a term of 3 years, or until his successor is elected and qualified. However, at the first election after the adoption of this charter, 3 councilmen shall be elected and the 4 incumbent selectman shall be sworn as councilmen and continue to serve as councilmen for the remainder of their term, or until their successors are elected and qualified.

**SEC. 202. Compensation.**

The Town Council may determine the annual salary of the chairman and councilmen by ordinance, but no ordinance increasing such salary shall become effective until

the commencement of the term of councilmen elected at the next regular election. Salaries of councilmen shall be paid on a quarterly basis for services performed in the preceding quarter. Councilmen elected in a special election shall be paid on a pro rata basis for the time they shall actually serve. Initially annual salaries shall be \$800.00 for chairman and \$600.00 for councilmen.

**SEC. 203. Chairman.**

At its first meeting, or soon thereafter as practicable, the Town Council shall elect, by majority vote of the council membership, one of its members for the ensuing year as chairman, and the council may fill for an unexpired term, any vacancy in the office of chairman that may occur. The chairman shall preside at the meetings of the council, 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. In the temporary absence or disability of the chairman, the council may elect a chairman pro tempore from among its members, and he shall exercise all the powers of chairman during such temporary absence or disability of the chairman.

**SEC. 204. Powers and Duties.**

Except as otherwise provided by law or this charter, all powers of the Town shall be vested in the Town Council, which shall be the general legislative body of the Town. The Town Council shall constitute the municipal officers of the Town of Lincoln.

**SEC. 205. Prohibitions.**

Except where authorized by law, no councilman shall hold any other Town office or Town employment during the term for which he was elected to the Town Council.

Neither the council nor any of its members shall, in any manner, dictate the appointment or removal of any administrative officers or employees whom the manager or any of his subordinates are empowered to appoint; but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

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

**SEC. 206. Vacancies. Forfeiture of Office; Filling of Vacancies.**

1. Vacancies. The office of councilman shall become vacant upon his death, resignation, removal from office in any manner authorized by law of forfeiture of his office.
2. Forfeiture of Office. A councilman shall forfeit his office upon final conviction of a felony or if he lacks at any time during his term of office any qualifications of the office prescribed by this charter or by law.

3. Filling of Vacancies. If a seat in the Town Council becomes vacant more than six (6) months prior to the next regular election, the council shall call a special election to fill the unexpired term within sixty (60) days from the date that the vacancy occurred. If a seat on the council becomes vacant less than six (6) months prior to the next regular election, the council may call a special election.

**SEC. 207. Council to Judge of Qualifications of its Members.**

The Town Council shall be the judge of the election and qualifications of its members and for such purposes shall have power to subpoena witnesses and require productions of records, but the decision of the council in any such case shall be subject to review by the courts.

**SEC. 208. Induction of Council into Office.**

The Town Council shall meet at the usual place for holding meetings at 6:00 p.m. on the second (2nd) Monday in November and at such meeting councilors-elect shall be sworn to the faithful discharge of their duties by the Town Clerk or other person qualified to administer oaths.

**SEC. 209. Regular Meetings.**

The Town Council shall at its first meeting establish by resolution a regular place and time for holding its regular meetings, and shall meet regularly at least once a month. It shall also provide a method for calling special meetings. All meetings of the council shall be open to the public in accordance with the laws of the State.

**SEC. 210. Quorum.**

A majority of the Town Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time or may compel attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. At least eight (8) hours notice of the time and place of holding such adjourned meeting shall be served on all members who were not present at the meeting from which adjournment was taken.

**SEC. 211. Town Clerk.**

The Town Clerk or deputy Town Clerk shall act as clerk of the Town Council, and shall keep a record of all proceedings of the Council, including all roll-call votes.

**SEC. 212. Rules and Procedure.**

The Town Council shall provide for keeping a record of its proceedings and shall determine its own rules of procedure and make lawful regulations for enforcing the same. The Council shall act only by ordinance, order or resolve. All ordinances, orders and resolves, except orders or resolves making appropriations of money, shall be confined to one subject which shall be clearly expressed in the title. All appropriation orders or resolves shall be confined to the subject of appropriations only. The yeas and nays shall be taken on the passage of all ordinances, orders and resolves and entered on the record of the proceedings of the Council by the Clerk.

Before any ordinance shall be passed, at least one public hearing shall be held by the Council, notice of which shall be given at least seven (7) days in advance by publication in a newspaper having circulation in said Town and by posting a notice in a public place. Every ordinance shall require on passage the affirmative vote of a majority of the members of the Council. Such ordinance shall be effective thirty (30) days after such passage, subject to the provisions of Article VIII.

Subject to provisions relating to publication and posting of notice, the Council may, by vote of five (5) of its members, pass emergency ordinances to take effect at the time indicated therein. Such ordinance shall contain a section in which the emergency is set forth and defined. The declaration of such emergency by the Council shall be conclusive.

**SEC. 213. Independent Annual Audit.**

Prior to the end of each fiscal year, the Town Council shall designate the State Department of Audit or certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the Town government and shall submit their report to the Council and to the Town Manager. Such accountants shall not maintain any accounts or records of the Town business, but shall post-audit the books and documents kept by department of finance and any separate or subordinate accounts kept by any other office, department or agency of the Town government.

## **ARTICLE III**

### **ADMINISTRATIVE OFFICERS AND EMPLOYEES**

**SEC. 301. Titles and Appointment.**

The following officers and board shall be appointed by ballot by a majority vote of the members of the Town Council; Town Manager, Town attorney, planning board, board of appeals, and other boards when required by State law or municipal ordinance. The Council may, where appropriate and not prohibited by law, vest in the Town Manager all or part of the duties of any office.

The Town Manager shall appoint the Town Clerk, Treasurer, Tax Collector, Town Assessor and department heads subject to the confirmation of the Town Council, and shall have the power to remove such appointees when necessary. He shall appoint and remove when necessary all other administrative officers and Town employees, except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office and except as otherwise provided in this charter.

**SEC. 302. Creation of Departments.**

The Town Council by ordinance, may establish, change and abolish town departments, offices or agencies, other than 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 specifically provided by this charter, assigned to any other.

**SEC. 303. Personnel System.**

1. Merit Principle: All appointments and promotions of Town officers and employees subject to the direction and supervision of the Manager, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.
2. Personnel Director: The Town Manager or his appointee shall be the personnel director.
3. Board of Appeals: There shall be a Board of Appeals consisting of seven (7) members appointed by the Town Council from among the qualified voters of the Town. The first appointments to the Board of Appeals shall be made in the following manner: three members for three (3) years; two members for two (2) years, and two members for one (1) year. All succeeding appointments shall be made for terms of three (3) years.

The Board of Appeals shall be governed by, and all hearings shall be consistent with, the provisions of Title 30 MRSA 2411.

The Board of Appeals, subject to the limitations herein set forth, is vested with the power to hear any appeal by any person affected, directly or indirectly, from any decision, order, rule or failure to act of any officer, or board, agency or other body where such appeal is necessary, proper or required. Provided, however, the Board of Appeals is without authority to act on may appeal from any decision, order, rule or, the failure to act, of the Town Council.

All ordinances, order, rules or regulations heretofore existing that are inconsistent with this section are hereby repealed and authority of all appellate review boards heretofore established is hereby revoked.

4. Personnel Rules: The Town Manager or his appointee shall prepare personnel rules. The Town Manager shall submit such rules to the Council, which the Council shall adopt by ordinance with or without amendment. These rules shall provide for:
  - A. The classification of all Town positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;



- B. A pay plan for all Town positions;
- C. Methods for determining the merit and fitness of candidates for appointment or promotion, demotion or dismissal;
- D. The policies and procedures regulating reduction in force and removal of employees;
- E. A retention and retirement plan for Town employees;
- F. The hours of work, attendance regulations and provisions for sick and vacation leave;
- G. The policies and procedures governing persons holding provisional appointments;
- H. The policies and procedures governing relationships with employee organizations;
- I. Policies regarding in-service training programs;
- J. Grievance procedures, including procedures for the hearing of grievances by the personnel appeals board, which may render advisory opinions based on its findings to the Town Manager with a copy to the aggrieved employee; and
- K. Other practices and procedures necessary to the administration of the Town personnel system.

## ARTICLE IV

### TOWN MANAGER

**SEC. 401. Town Manager, Qualifications.**

The Town Council shall appoint a Town Manager for an indefinite term unless otherwise specified by contract, and fix his compensation. The Manager shall be appointed on the basis of his executive and administrative qualifications. He need not be a resident of the Town or State at the time of his appointment, but may reside outside the Town while in office only with the approval of the Council. No Councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term, nor shall any member of the Town Council act in that capacity.

**SEC. 402. Removal of Town Manager.**

The Town Council may, by a majority vote of its members, remove the Town Manager for cause. The Council shall file with the Town Clerk a written preliminary resolution setting forth the specific reasons for the proposed removal, a copy of which shall be delivered to the Manager within ten (10) days of its filing with the Town Clerk. The Manager may within twenty (20) days of receiving the resolution reply in writing and may request a public hearing, which shall be held by the Council not earlier than ten (10) days after the request is filed nor later than thirty (30) days after the request. After the public hearing or at the expiration of the time permitted the Manager to request a public hearing, if no such request is made, the Council may by majority vote adopt or reject the resolution of removal. The council may suspend the Manager from duty in its preliminary written resolution, but in no event shall the Manager's salary be affected until the final resolution of removal has been adopted.

**SEC. 403. Powers and Duties of the Town Manager.**

The Town Manager shall be the chief administrative officer of the Town. He shall be responsible to the Town Council for the administration of all Town affairs placed in his charge by or under this charter. He shall have the following powers and duties:

- He shall direct and supervise the administration of all departments, offices and agencies of the Town, except as otherwise provided by this charter or by law.
- He shall attend Council meetings, except when his removal is being considered and shall have the right to take part in discussions, but may not vote.
- He shall see that all laws, provisions of this charter and acts of the council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.
- He shall prepare and submit the annual budget and capital program to the council.
- He shall 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.
- He shall make such other reports as the Council may require concerning the operations of Town departments, offices and agencies subject to his direction and supervision.
- He shall keep the Council fully advised as to the financial condition and future needs of the Town and make such recommendations to the Council concerning the affairs of the Town as he deems desirable.

- He shall prepare an administrative code or amendments to an existing administrative code as required, to be proposed to the Council, and the Council may by ordinance adopt them with or without amendment.
- He shall perform such other duties as are specified in this charter or may be required by the Council.

**SEC. 404. Absence of Town Manager.**

By letter filed with the Town Clerk, the Manager shall designate, subject to approval of the Town Council, a qualified Town administrative officer to exercise the powers and perform the duties of manager during his temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the Town 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 administrative officer of the Town to perform the duties of the Manager until he shall return or his disability shall cease.

## ARTICLE V

### TAX ADMINISTRATION

**SEC. 501. Assessor.**

There shall be established a division of assessment, the head of which shall be the Town Assessor. The Assessor shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the State may exercise, and may now or hereafter be subject to, under the laws of the State.

**SEC. 502. Board of Assessment Review.**

The Board of Appeals, as established pursuant to ARTICLE III, shall function as the Board of Assessment Review with all the power and duties conferred upon such boards by the laws of the State.

## ARTICLE VI

### BUDGET

**SEC. 601. Fiscal Year.**

The fiscal year of the Town government shall begin the first day of July and shall end on

The 30th day of June of each year. The Town Council may by ordinance change the fiscal year to conform to general municipal practice in the State. Such fiscal year

shall constitute the budget and accounting year as used in this charter. The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

**SEC. 602. Preparation and submission of the budget.**

The Town Manager, at least thirty-five (35) days prior to the beginning of each budget year, shall submit to the Town Council a budget and an explanatory budget message. The budget authority of the Council shall be limited to the final determination of the total appropriation to be made to each of the several offices, departments and agencies of the Town. This budget shall be compiled from detailed information furnished by the administrative officers and boards on forms which shall be designated by the Manager, and shall contain:

1. Exact statement of the financial condition of the Town.
2. An itemized statement of appropriations recommended for current expenses, and for permanent improvements; with comparative statements in parallel columns of estimated expenditures for the current year and actual expenditures for the next preceding fiscal year. An increase or decrease in any item shall be indicated.
3. An itemized statement of estimated revenue from all sources other than taxation; and a statement of taxes required, comparative figures from current and next preceding year.
4. Such other information as may be required by the Council.

The proposed budget prepared by the Manager shall be reviewed by the Council, which shall approve the budget with or without amendments. The Council shall fix the time and place for holding a public hearing on such budget, and shall give a public notice of such hearing. The Council shall thereafter review the budget and adopt it, with or without change, no later than sixty (60) days from the beginning of the fiscal year. In the event the Council shall fail to adopt the budget within said sixty (60) day period, the budget as presented by the Manager shall automatically become the budget for the fiscal year.

**SEC. 603. Budget Establishes Appropriations.**

From the date of adoption of the budget, the several amounts stated therein as proposed appropriations shall be and become appropriated to the several agencies and purposes therein named.

**SEC. 604. Budget Establishes Amount to be Raised by Property Tax; Certification to Town Assessor.**

From the date of adoption of the budget, the amount stated therein as the amount to be raised by property tax, together with all lawful assessments that may be imposed

pursuant to the Town's participation in an established School Administrative District or Hospital Administrative District, or both, shall constitute a determination of the amount of the levy for the purposes of the Town in the corresponding tax year. A copy of the budget as finally adopted shall be certified by the Manager and filed by him with the Town Assessor, whose duty it shall be to levy such taxes for the corresponding tax year.

**SEC. 605. Budget Summary.**

At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and shall be itemized also by departments and kinds of expenditures in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget.

**SEC. 606. Expenditures and Departmental Revenue.**

The budget for all departments shall include all proposed expenditures. The Town Council shall make a gross appropriation for each department for the ensuing municipal year. The gross appropriation for each department shall not be exceeded except by consent of the Council and subject to the provisions of Section 803. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the Manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds there from are or will be available to cover the claim or meet the obligation when it becomes due and payable. Except when prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing that such action is made or approved by ordinance or to prevent the Council from authorizing the construction or improvement of a revenue producing facility or facilities, the issuance of revenue bonds or refunding bonds or pledging revenues from revenue producing facility or facilities under and pursuant to the general law of the State.

**SEC. 607. Transfer of Appropriations.**

At the request of the Manager, the Council may by resolve transfer any unencumbered appropriation balance or portion thereof including surplus between the general accounts.

**SEC. 608. 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.

**SEC. 609. Work Programs and Allotments.**

At such time as the Manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The Manager shall review and

authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to section 607.

**SEC. 610. Capital Program.**

The Manager shall prepare and submit to the Town Council a five (5) year capital program at least three (3) months prior to the final date for submission of the budget. The capital program shall include:

1. A clear general summary of its contents;
2. A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessities for such improvements.
3. Cost estimates, method of financing and recommended time schedules for each such improvement; and
4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

**SEC. 611. Public Hearing on Capital Program.**

The proposed capital program shall be reviewed by the Town Council which shall approve it with or without amendments. The Council shall fix the time and place for holding a public hearing on the capital program, and shall give public notice of such hearing. The Council shall adopt the capital program with or without amendments after such public hearing, but nothing herein shall be deemed to prevent the authorization by the Council of bonds or notes of the Town to finance a capital improvement not included in the capital program.

## **ARTICLE VII**

### **NOMINATIONS AND ELECTIONS**

**SEC. 701. Municipal Elections.**

The regular election for the choice of members of the Town Council, the Lincoln members of the Board of Directors of the Regional School Unit (R.S.U. No. 67), and the Board of Directors of the Lincoln Sanitary District shall be held on the Tuesday following the first (1st) Monday in November commencing in 1995. The term of

office of incumbent councilors and directors shall be extended to the Tuesday following the first (1st) Monday in November.

**SEC. 702. Nomination.**

Any voter of the Town may be nominated for the office of Town Councilman, Director of the School Administrative District or Director of the Sanitary District in accordance with the laws of the State of Maine.

**SEC. 703. Election Provisions.**

Provisions of the laws of the State of Maine relating to the qualifications of voters, registration, the manner of voting, the duties of election officers and all other particulars respective to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this chapter.

**SEC. 704. Recall of Elected Officials.**

Any person elected to any office in the Town of Lincoln, with more than (6) months remaining of the term of office for which he was elected at the time of filing of the affidavit as hereinafter provided, may be recalled and removed there from by the electors of the Town of Lincoln as herein provided.

A. Procedure for Initiating Recall Petition.

1. Any Thirty (30) qualified voters of the Town may make and file with the Town Clerk an affidavit containing the name of the elected official whose removal is sought. These thirty (30) qualified voters shall be referred to as the "Recall Committee". The affidavit shall also contain a statement detailing the reason(s) why recall is sought. This statement detailing the reason(s) for removal shall thereafter be made a part of the recall petition.
2. Upon filing of the affidavit by the thirty (30) qualified voters and acceptance of the affidavit by the Town Clerk, the Town Clerk shall prepare a recall petition relating to the elected official named in the affidavit. The Recall Committee shall have forty-five (45) days from the date of acceptance of the affidavit by the Town Clerk to cause the petition to be signed by not less than twenty percent (20%) of the qualified voters of the Town as determined at the time of the last preceding gubernatorial election. The petition shall be available for signing only at the Town Clerk's office during normal business hours and shall be signed by qualified voters in the presence of the Town Clerk or the Deputy Town Clerk. At the end of the forty-five (45) day period the Town Clerk shall declare the recall petition closed.
3. The recall petition, to be effective, shall have been signed by

voters of the Town numbering not less than twenty percent (20%) of the number of qualified voters as determined at the time of the last preceding gubernatorial election, and each voter's signature shall be followed by the voter's place of residence with the street and number or other description sufficient to identify the place.

B. Examination and Certification of Recall Petition.

Within ten (10) days after the closing of the petition, the Town Clerk shall ascertain whether or not the petition was signed by the requisite number of voters and, upon such finding, shall attach a certification to the petition stating that the petition has the required number of signatures of qualified voters, that all signatures were affixed in the presence of the Clerk or Deputy Clerk, that each signer had an opportunity to read the statement detailing the reason(s) for recall and that the petition is sufficient. Should fewer qualified voters than required hereunder sign the petition within the required time, the petition shall have no further force or effect and all proceedings shall be terminated.

C. Calling of Recall Election.

If the petition shall be certified by the Town Clerk to be sufficient, the Clerk shall submit the petition with certification to the Town Council within five (5) days of certification as sufficient and shall notify the elected official whose removal is sought of such action. The Town Council shall thereupon, within thirty (30) days of the receipt of the Town Clerk's certification, order an election to be held not more than sixty (60) days after the vote for recall, hold a special election to fill the vacancy; provided, however, that if a regular municipal election is to occur within ninety (90) days after the vote for recall, the Town Council may in its discretion hold the election to fill the vacancy on the date of such other regular municipal election. The recall election shall be called and held, and nominations to fill any vacancy created by the recall election shall be made as in other elections under this charter.

D. Form of Ballot in Recall Election.

The form of the ballot at the recall election shall be as follows:

"Shall (name of person proposed for recall), a member of the Lincoln Town Council; or a Lincoln member of the Board of Directors of Maine School Administrative District Number 67; or a Lincoln member of the Board of Directors of Hospital Administrative District Number 1; or a member of the Board of Directors of the Lincoln Sanitary District, be recalled?"

Immediately below such question shall appear in the following order the words "Yes" and "No" and to the right of each word a square within which the voter may cast his vote.



E. Majority Vote Required.

The elected official whose recall is sought as provided above shall be recalled and immediately removed from office when a majority of those voting thereon shall have voted in the affirmative. The successor elected after recall shall serve for the balance of the unexpired term of the recalled official. The minimum percentage of votes cast shall be governed by State law.

F. Repeat of Recall Affidavit.

No repeat affidavit shall be filed in the case of an elected official subjected to recall election and not recalled thereby within six (6) months after the election at which the Charter for the Town of Lincoln having been read three times in the House and passed, twice and passed in the Senate, and approved by the Governor on April 4, 1969. This Charter established the Council-Manager form of government thereby eliminating the yearly Town Meeting.

## ARTICLE VIII

### REFERENDUM AND INITIATIVE

**SEC. 801. Overrule of Action of Council.**

All ordinances shall be subject to overrule by referendum.

All orders or resolves appropriating \$100,000.00 or more for a single capital improvement and all orders or resolves authorizing general obligation bond issues of \$100,000.00 or more for capital improvement, must be approved by the voters in a referendum.

Any five (5) registered voters may begin referendum proceedings by request, in writing to the Town Clerk for the appropriate petition blanks. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for the full text of the ordinance, order or resolve sought to be reconsidered. The petition shall be signed only by registered voters of the Town and each voter's signature shall be followed by his address.

Each paper of the 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 the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance sought to be reconsidered.

If within twenty (20) days after the enactment of any such ordinance, order, or resolve, the appropriate petition signed by not less than ten (10) percent of the

registered voters of the Town is filed with the Town clerk requesting its reference to a referendum, the Town Council shall call a public hearing to be held within thirty (30) days from the date of the filing of such petition with the Town Clerk, and shall within fourteen (14) days after said public hearing call a special municipal election for the purpose of submitting to a referendum vote the question of adopting such ordinance, order or resolve. Pending action by the voters of the Town, the referred ordinance, order or resolve shall be suspended from going into operation until it has received a vote of the majority of the voters voting on said question.

**SEC. 802. Ordinances, Orders or Resolves Submitted to Popular Vote.**

The Town Council may submit on its own initiative a proposition for the enactment, repeal or amendment of any ordinance, order or resolve, except as herein otherwise provided, to be voted upon at any municipal election, and should such proposition receive a majority of the votes cast thereon at such election, such ordinance, order or resolve shall be enacted or amended accordingly.

**SEC. 803. Enactment of Ordinances by Initiative.**

Ordinances may be enacted by the following initiative procedure:

Any five (5) registered voters may begin initiative proceedings by request in writing to the Town Clerk for the appropriate petition blanks. The complete text of the proposed ordinance shall be the request. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the proposed ordinance. The petition shall be signed only by registered voters of the Town and each voter's signature shall be followed by his address.

Each paper of the 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 the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed ordinance.

Upon receipt by the Town Clerk of the appropriate petition signed by not less than then (10) percent of the registered voters of the Town, the Town Council shall call a public hearing to be held within thirty (30) days from the date of the filing of such petition with the Town Clerk, and shall within thirty (30) days after said public hearing call a municipal election for the purpose of submitting to vote the question of adopting such ordinance, unless such ordinance shall be enacted by the Council prior to the call for said Town election. Such ordinance shall be enacted and take effect when a majority of those voting thereon shall have voted in the affirmative.

Any such proposed ordinance shall be examined by the Town attorney before being submitted to the voters. The Town attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions,

illegalities and unconstitutional provisions, and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but he shall not materially change its meaning and effect.

**SEC. 804. Form of Ballot.**

The form of the ballot for the proposed ordinance, or repeal of such ordinance, order, or resolve, shall be substantially as follows:

“Shall the ordinance, order or resolve entitled \_\_\_\_\_ YES NO  
be repealed? (or adopted?)” \_\_\_\_\_

(the voters shall indicate their choice by a cross or check mark placed in the appropriate box under words YES or NO.)

**ARTICLE IX**

**GENERAL PROVISIONS**

**SEC. 901. Oath of Office.**

Every officer of the Town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Town Clerk.

“I \_\_\_\_\_ do swear, that I will support the Constitution of the United States and of this State, so long as I shall continue a citizen thereof. So help me God.”

“I \_\_\_\_\_ do swear, that I will faithfully discharge, to the best of my abilities, the duties incumbent on me as \_\_\_\_\_ according to the Constitution and laws of the State, so help me God.”

**SEC. 902. Charter Amendment.**

1. Proposal of amendment. Amendments to this charter may be framed and proposed:
  - A. In the manner provided by law, or
  - B. By ordinance of the Town Council containing the full text of the proposed amendment and effective upon adoption, or
  - C. By the registered voters of the Town, or
  - D. By report of a charter commission created by ordinance.

**SEC. 903. Ordinances not Inconsistent Continue in Force.**

All ordinances of the Town of Lincoln in force at the time when this charter takes effect, not inconsistent with the provisions of this charter, shall continue in force until amended or repealed.

**SEC. 904. Continuance of Present Administrative Officers.**

All persons holding administrative office or employment at the time this charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuation of such office or position.

**SEC. 905. Existing Contracts not Invalidated.**

All rights, actions, proceedings, prosecutions and contracts of the Town, pending or unexpected when this charter goes into effect, shall be enforced, continued or completed in all respects as though begun or executed hereunder.

**SEC. 906. Separability Clause.**

If any portion of this Act shall be held to be invalid, such decision shall not affect the validity of the remaining portions thereof.

**SEC. 907. P. & S.L., 1939, c. 62, repealed; other laws repealed.**

Chapter 62 of the private and special laws of 1939, as amended by Chapter 113 of the private and special laws of 1957, is repealed. All other Acts and parts of Acts of the private and special laws of Maine relating to the Town of Lincoln, inconsistent with the provisions of the charter, are repealed.

**SEC. 908. Short Title.**

This charter shall be known and may be cited as the “Council-Manager Charter of the Town of Lincoln”. The Clerk shall cause it to be printed and made available to the public promptly.

Referendum; effective date; certificate to Secretary of State. This Act shall take effect ninety (90) days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the Town of Lincoln at any regular or special Town election or state-wide election held before December 31, 1970, and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said Town to vote on the approval or rejection of this Act.

The Town Clerk shall prepare the required ballots, on which he shall reduce the subject matter of this Act to the following question: “Shall An Act to Grant a Council-Manager Charter to the Town of Lincoln, passed by the 104<sup>th</sup> Legislature, be accepted?” The voters shall indicate by a cross or check mark placed against the word “YES” or “NO” their opinion of the same. This act shall take effect for the purpose of nominating and electing officers hereunder immediately upon its acceptance by a majority of the legal voters voting at said election, and for all other purposes this Act shall take effect following the first election held under the provisions of this charter on the 2<sup>nd</sup> Tuesday in March, 1971.

The result of the vote shall be declared by the municipal officers of the Town of Lincoln and due certificate thereof shall be filed by the Town Clerk with the Secretary of State.

## **CHARTER REVISION HISTORY**

The Town of Lincoln, Maine was incorporated by the Legislature of the State of Maine on January 30, 1829 having been read three times and passed in the House of Representatives on January 29, 1829, read twice and passed in the Senate on January 30, 1829, and approved by Governor Enoch Lincoln on January 30, 1829.

Legislative revisions included the approval of the Town Manager form of government in 1939 and additional amendments in 1957.

In 1969 the legislature of the State of Maine adopted a new Charter for the Town of Lincoln having been read three times in the House and passed, twice and passed in the Senate, and approved by the Governor on April 4, 1969. This Charter established the Council-Manager form of government thereby eliminating the yearly Town Meeting.

Several revisions were then made to this Charter by a vote of the citizens of the Town in a Municipal election held on March 8, 1977. Amendments included the repeal and replacement of the first paragraph of Section 301, the entire body of Section 303 part 3, the first sentence of Section 401, and the first sentence of Section 402. In addition Sections 502 and 503 were repealed and replaced with a new Section 502.

The Council then revised Section 601 on July 11, 1988 by ordinance as provided for in Section 601 changing the fiscal year of the Town.

Two amendments were made by a vote of the citizens of the Town in a Municipal election held on March 10, 1992. Amendments included the addition of Section 704 and an additional paragraph after the first paragraph of Section 801.

Two amendments were made by a vote of the citizens of the Town in a Municipal election held on November 8, 1994. Amendments included the repeal and replacement of Article II and the repeal and replacement of Article VII Section 701. These changes changed the election date for municipal officers and the date for swearing in of newly elected municipal officers.

An amendment was made by a vote of the citizens of the Town in a Municipal election held on November 7, 1995. The amendment repealed and replaced Section 201, Subsection 2. This change prohibits the spouse of a Town employee from holding office as a councilperson.

An amendment was made by a vote of the citizens of the Town in a Municipal election held on November 5, 1997. The amendment made changes to the first

two paragraphs of Section 801 to clarify the language and increase the spending limit from \$50,000 to \$100,000.

Two amendments were made by a vote of the citizens of the Town in a Municipal election held on November 6, 2001. The amendments made changes to Sections 701 and 702 by eliminating the reference to the Hospital Administrative District #1.

An amendment was made by a vote of the citizens of the Town in a Municipal election held on November 6, 2001. The amendment made a change to Section 702 by including reference to the Lincoln Sanitary District.

An amendment was made by a vote of the citizens of the Town in a Municipal election held on November 3, 2009. The amendment made a change to Section 701 by removing School Administrative District (M.S.A.D. #67) and including Regional School Unit (R.S.U. No. 67)

**Town of Lincoln<sup>1</sup>**  
**Town Council Rules and Procedures**

**SECTION 1.** THE REGULAR MEETING OF THE TOWN COUNCIL shall be held in the Council Room at 7 p.m., current time, on the second Monday of each calendar month. When said day falls on a Holiday or on Election Day, the REGULAR MEETING shall be held on the following Monday, at the same time and place. The date of any REGULAR MEETING may be changed by an order or resolve passed at the previous meeting upon the vote of five members of the council, provided, however, that said change in date will still provide for one REGULAR MEETING in each month.

**SECTION 2.** The Town Council finds and declares the public proceedings exist to aid in the conduct of the people's business. It is in the intent of the Town Council that their actions be taken openly and that the records of their actions be open to public inspection and their deliberations be conducted openly. It is further the intent of the Town Council that clandestine meetings, conferences or meetings held on private property without proper notice and ample opportunity for attendance by the public not be used to defeat the purposes of this rule. Except as otherwise provided by statute or by section 405 of the State Right to Know Law all proceedings shall be open to the public.

**SECTION 3.** The proper operation of democratic government requires that Town Councilors be fair, impartial and responsive to the needs of the people and each other in the performance of their functions and duties; that decisions and policy be made in proper channels of the town's government structure; the public office not be used for personal gain; and that Town Councilors maintain a standard of conduct that will inspire public confidence in the integrity of the town's government.

**SECTION 4.** Special Meetings may be called by the Chairman, and in case of his absence disability, or refusal may be called by four members of the Town Council. Notice of such meeting shall be served in person or left at the residence of each member of the Town Council at least twenty-four (24) hours before the time for holding said special meeting unless all members of the Council sign a waiver of said notice. The call for said special meeting shall set forth in a detailed agenda the matters to be acted upon at said meeting.

**SECTION 5.** The Chairman shall take the chair at the time appointed for the meeting, call the members to order, cause the minutes of the preceding meeting to be approved and proceed to business.

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<sup>1</sup> These Rules have been amended on March 15, 1982, April 11, 1988, March 10, 1989, March 18, 1991, March 19, 1992, November 13, 1995, November 13, 2000, November 10, 2008, November 8, 2010 and December 12, 2011.

- A. There will be no smoking in the Council Chambers whatsoever.

**SECTION 6.** The Chairman shall preserve decorum and shall decide all questions of procedure subject to an appeal to the Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.

**SECTION 7.** A detailed agenda shall be prepared by the Town Manager and Council Chairman and/or Council Vice-Chairman, and together with supporting information shall be delivered to Council Members no later than the Wednesday prior to the regular meeting. The agenda shall be made available to the news media and shall be posted on the Town Bulletin Board. An agenda item shall be placed on the next agenda when submitted in writing and signed by three (3) Council members.

Open Forum will be on the agenda of every Council meeting whether special or regular to allow for public comment.

**SECTION 8.** Minutes of all Council meetings shall be delivered to Council members and the Town Manager within a reasonable time after meetings. These are also delivered by the Police Department.

**SECTION 9.** Important communications received by individual Councilors or the Town Manager should be promptly passed on to the Clerk for distribution.

**SECTION 10.** The Chairman shall declare the vote. Each council member's vote shall be entered in the minutes, unless unanimous.

**SECTION 11.** Every ordinance shall require on final passage the affirmative vote of four (4) members of the Town Council.

**SECTION 12.** Every member present when a question is put is expected to give his vote unless the chair for special reasons shall excuse that member. There will be no abstentions unless stated before the agenda item.

**SECTION 13.** When a question is under debate, the Chairman shall receive no motion but to adjourn, or for the previous question, or to lay on the table, or to postpone or to refer to a committee or some administrative official, or to amend.

**SECTION 14.** Upon the motion for the previous question being made and seconded, the Chairman shall put the question in the following form: "Shall the main question be suspended until the motion for the previous question shall be decided." After the adoption of said motion for the previous question by a



majority vote, the sense of the Council shall be forthwith taken upon all pending amendments and then upon the main question.

**SECTION 15.**

No debate shall be allowed on a motion for the previous question. Neither is it susceptible to amendment. All questions of order arising incidentally thereon must be decided without discussion whether appeal be had from the Chair or not.

**SECTION 16.**

When a member is about to speak, he shall respectfully address the Chairman and confine himself to the question under debate, and avoid personalities and indecorous language. Councilors desiring to question the administrative staff shall address his/her question to the Town Manager who shall be entitled to either answer the inquiry or designate a member of the staff for that purpose. All members of the Council shall accord the utmost courtesy to each other, town employees and to the public and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statement as to motives and personalities. Members shall be removed from the meeting for failure to comply with decisions of the Council Chair or for continued violations of the rules of the Council. If the Council Chair fails to act, any member may move to require the Council Chair to enforce the rules and an affirmative vote of a majority of the Council shall require the Council Chair to act. Town employees and members of the public attending Council meetings also shall observe the same rules of propriety, decorum and good conduct applicable to the members of the Council.

**SECTION 17.**

No member speaking shall be interrupted by another, but by a call to order to correct a mistake.

**SECTION 18.**

**A. Chairman and Vice Chairman**

At its first meeting, or as soon thereafter as practicable, the Town Council shall elect, by a majority vote of the Council members, one of its members for the ensuing year as Chairman and one of its members as Vice Chairman.

**B. Committees**

At the first regular Council meeting in January there shall be chosen the following committees to serve for the municipal year:

**1. Budget Committee**

The Budget Committee shall consist of up to fourteen (14) members. Each Council member may make two nominations. Council members shall not serve as members of the Budget Committee.

**2. Appointment's Committee**

The Appointment's Committee shall consist of three (3) Council members nominated by the Council Chairman.

Nominations to the Budget Committee and the Appointment's Committee shall be confirmed by vote of the Town Council.

**SECTION 19.** The Chairman of the Council may appoint members of the Council and/or citizens of the Town to special temporary committees as authorized by the Council.

**SECTION 20.** No committee shall have the power of executive action unless specifically authorized and shall report back to the Council for action on its recommendations or proposals.

**SECTION 21.** Any parliamentary rules not covered by these rules shall be covered by the applicable section of Roberts Rules.

**SECTION 22.** The Chairman may call a recess as needed instead of suspending the rules.