TOWN OF FAIRFIELD
CHARTER

As Amended:
November 1987
November 1993
November 2000
November 2006
June 2008
November 2016
November 2019
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ARTICLE I. ENACTMENT

SECTION 100. INCORPORATION, POWERS OF THE TOWN
The inhabitants of the Town of Fairfield shall continue to be a municipal corporation under the name of the Town of Fairfield 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 by-laws, regulations, resolutions, orders, 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.

SECTION 101. TOWN CHARTER
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 any section of this Charter.

SECTION 102. CHARTER REVIEW
Commencing in the year 2021, in the month of January, a committee of five members shall be appointed every fifth year by the Town Council to review and recommend changes in the charter.

In addition to the five member committee, a member of the Town Council shall serve as a non-voting advisory member.

If the proposed changes are charter amendments, the Town Council shall review them and determine which ones, and in what form, will be referred to the voters, pursuant to 30-A MRSA Section 2101, et seq., as amended. If the proposed changes constitute a revision of the charter, the Town Council shall review them. If it determines the revision of the charter is warranted, it shall refer the matter to the voters for creation of a charter commission, pursuant to 30-A MRSA Section 2101, et seq., as amended.

SECTION 103. MUNICIPAL YEAR
The municipal year of the Town of Fairfield shall be July 1 to June 30.

ARTICLE II. TOWN MEETINGS

SECTION 200. ANNUAL TOWN BUDGET MEETING
The Annual Town Budget Meeting shall be held in the Town of Fairfield, in the County of Somerset, on the second Monday in May of each year.

The purpose of the Annual Town Budget Meeting is strictly for the raising and/or appropriation of funds for the municipal budget.
SECTION 201. SPECIAL TOWN MEETINGS
Special Town Meetings may be called for the purpose of the appropriation of funds except no Special Town Meeting shall be valid unless a minimum of 50 registered voters participate.

SECTION 202. MANNER OF MEETING
a. All Town Meetings shall be called in accordance with Title 30-A, M.R.S.A., as amended.

b. At least two weeks fourteen (14) days before the date set for the Annual Town Meeting, the Town Council shall hold a public hearing on each article to be considered at the Town Meeting. The Town Council shall post notice of this public hearing at least seven (7) days before the public hearing in the same manner provided for posting a warrant under the laws of the State of Maine.

c. A sample copy of the warrant, with a brief explanation of each article, shall be mailed to each postal patron in the town at least ten (10) days before the date of the Public Hearing.

ARTICLE III. NOMINATIONS, ELECTIONS, APPOINTMENTS

SECTION 300. ELECTED OFFICIALS
The officials of the Town, who shall be nominated and elected according to State of Maine law by Secret Ballot, by the qualified voters of the Town of Fairfield as hereinafter provided, shall be:

a. Town Councilors
   1. Composed of five (5) members with three (3) year staggered terms.
   2. Term expiration date, December 31.
   3. To be elected in November in conjunction with Federal, State or County elections, or on the first (1st) Tuesday following the first (1st) Monday in November if no other election is scheduled.
   4. Persons elected to municipal office shall be sworn in and begin their terms of office on the Town’s first official business day of the new calendar year.

b. Maine School Administrative District #49 Board
   1. Composed of six (6) members with three (3) year staggered terms.
   2. Terms to be elected, start and expire in accordance with Section 1001.
   3. To be elected in June, commencing in 2021, in conjunction with Federal, State or County elections, or on the second Tuesday in the month of June if no other election is scheduled in June.
   4. Persons elected shall be sworn prior to the start of their term.
SECTION 301. ELEGIBILITY
To be qualified for nomination and election to the positions in SECTION 301(a) or (b):

a. A person must be a qualified voter of Fairfield.

b. No Town Councilor shall hold any other town office or town employment during the term for which they were elected to the Town Council, except as a member of a committee created by the Town Council.

SECTION 302. APPOINTMENTS
The Town Council shall have the authority to appoint and remove for cause individuals for the following positions:

a. Boards and Committees
b. Town Manager
c. Town Attorney

The Town Manager shall have the authority to appoint all other individuals according to 30-A M.R.S.A. Section 2636, as amended, subject to Town Council confirmation.

Failure to attend a minimum of seventy-five (75) percent of the meetings of a board or committee is cause for removal.

SECTION 303. OATH OF OFFICE
All Town Officers and Officials elected or appointed, before entering upon the performance of their official duties, shall be sworn to the faithful performance of their duties according to the Laws of the State of Maine.

SECTION 304. VACANCY
a. The Town Council shall, within thirty (30) days of occurrence, fill vacancies in the Town Council by appointment between annual elections. The term of office of any member so chosen shall expire at the first organizational meeting in January.

b. Vacancies in the office of Maine Administrative School District #49 Board member shall be appointed by the Town Council to serve until the next annual municipal election.

ARTICLE IV. TOWN COUNCIL

SECTION 400. TOWN COUNCIL OFFICERS
At their first regular meeting of each calendar year, the Town Council shall elect officers of the Town Council from among its members, each of whom shall serve at the pleasure of the Town Council, and these officers shall have the following titles:
a. CHAIR- shall preside at meetings of the Town Council and shall be recognized as head of the town government for all ceremonial purposes, but shall have no administrative duties.

b. VICE CHAIR- shall act for the Chair during the absence or disability of the Chair.

c. SECRETARY- shall keep a permanent record of all business transacted at the Town Council meetings and to file said record with the Town Clerk.

SECTION 401. POWERS AND DUTIES
a. 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.

b. The Town Council shall meet, at a minimum, once each month at such time as they may designate in their organizational meeting to conduct the transaction of town business. Special meetings of said Town Council may be called by the Chair or by a majority of all the members of said Town Council.

c. The Town Council shall hold a minimum of one public hearing on any proposed adoption, amendment, or repeal of municipal ordinances. A hearing must be held during the same meeting that action is to be taken by the Town Council.

d. Appoint and remove for cause after notice and hearing, the Town Manager.

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

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

SECTION 402. VACANCY
The office of Town Councilor shall be deemed vacant under one or more of the following conditions. If the Town Councilor:

a. Dies or resigns,
b. Is convicted of a Class A, B or C crime, or of any crime involving moral turpitude,

c. Establishes primary residency outside of the Town of Fairfield

When the Town Clerk receives information or a written complaint suggesting that one or more of the above criteria are met, the Town Clerk shall in writing inform the Town Council and notify the affected Town Councilor (unless deceased). Discussion of the matter shall be placed on the agenda of the next regularly scheduled Town Council meeting.

A vacancy shall be declared if the Town Council determines by a two-thirds vote of the members present that one or more of the above criteria are met.

A vacancy may also be declared by a two-thirds vote if a Town Councilor is absent on three consecutive occasions.

Following solicitation of interested candidates, vacancies in the Town Council shall be filled by the Town Council through appointment, pursuant to Section 304 (a).

**ARTICLE V BUDGET COMMITTEE**

**SECTION 500. DATE APPOINTED**
The Budget Committee, of whom none of the voting members shall be a municipal officer, shall consist of nine (9) voting members, three (3) appointed each year in January for a term of three years and the members of the Town Council to be non-voting members of the Budget Committee. The present appointed members whose terms have not expired shall continue until the expiration of their present terms of office.

**SECTION 501. BUDGET COMMITTEE OFFICERS**
The Budget Committee, as appointed above, shall meet at the request of the Town Council and appoint from among its members a:

a. CHAIR—shall preside at meetings, assist with agendas of the committee and shall be recognized as head of the committee. The Chair shall explain the Committee’s recommendations at the Annual Town Budget Meeting and any Special Town Meeting.

b. VICE CHAIR—shall act for the Chair during the absence or disability of the chair.

c. SECRETARY—it shall be the duty of the Secretary to keep a permanent record of all business transacted at the meetings and to file said record with the Town Clerk.
SECTION 502. POWERS AND DUTIES

a. The Committee shall hold its organizational meeting ninety (90) days or more prior to the Annual Town Budget Meeting of each year to consider financial recommendations and appropriations to be made at the next Annual Town Budget Meeting.

b. The Budget Committee shall then commence its review of the Budget for the next fiscal year as soon thereafter as possible.

c. Not later than forty-five (45) days prior to Annual Town Budget Meeting, the Budget Committee shall hold its final meeting and make specific recommendations to be presented at the next Annual Town Budget Meeting and the recommendations shall be printed and accompany all Articles in the Warrant of said meeting calling for appropriation and shall appoint one or more of its members to explain at the Annual Town Budget Meeting its recommendations and the reasons therefore.

d. The Budget Committee shall hold additional meetings if the Town Council deems them necessary for proper consideration of the Town’s services, finances or Special Town Meeting appropriations.

SECTION 503. TRANSITION

The Budget Committee will transition from a twelve (12) member committee to a nine (9) member committee over the course of the next three (3) years as follows.

<table>
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<tr>
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<th>New Committee Members Appointed</th>
<th>Total number of Committee Members</th>
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ARTICLE VI. TOWN EMPLOYEES

SECTION 600. TOWN MANAGER

The Town Manager shall be chosen, have powers and duties, and be removed, in accordance with the provisions of 30-A M.R.S.A. Section 2636, as amended.

In the event of a vacancy occurring in the office of the Town Manager, the Town Council shall have the power to appoint an acting Town Manager, for an interim period until the vacancy is filled.
SECTION 601. DEPARTMENT HEADS
Department heads are:
   a. Fire Chief
   b. Library Director
   c. Police Chief
   d. Public Works Director
   e. Any other department head the Town Council may create.

Department Heads with the advice and consent of the Town Manager shall have the authority to hire personnel within their departments. Department heads shall also have the authority, with the approval of the Town Manager, to suspend or discharge for just cause.

SECTION 602. EMPLOYEE RESPONSE TIMES
Any person hired by the Town who is not a member of a collective bargaining unit which negotiates with the Town for collective bargaining agreements, but who is subject to being called to work in emergency situations, shall reside in such a place that normal travel time to his usual place of reporting for work shall not exceed thirty (30) minutes by normal modes of conveyance.

In hiring any employees, preference will be given to Fairfield residents where the qualifications of the Fairfield resident are at least equal to those of other best qualified candidates.

ARTICLE VII. FINANCIAL PROCEDURES

SECTION 700. COMPENSATION OF OFFICIALS
When not otherwise provided by general law or by this Charter, the compensation of officials of the Town, except those under the School Administrative District, shall be fixed by a vote of the Town Council as follows:

   a. The compensation of the Town Manager shall be set by the Town Council.
   
   b. The compensation of Town of Fairfield Officials who are also Town employees shall be fixed by the Town Manager.
   
   c. Town Council Chair—shall receive $50.00 per meeting, to be capped at $1,200.00 per calendar year. Payments to be made quarterly.
   
   d. Town Council Members—shall receive $41.66 per meeting, to be capped at $1,000.00 per calendar year. Payments to be made quarterly.
e. Mid-Year Town Council Appointments-compensation shall be pro-rated according to the amount of time served.

SECTION 701. BONDS OF OFFICERS AND EMPLOYEES
The Town Council shall require a bond with sufficient surety or sureties, satisfactory to the Town Council, from all persons trusted with the collection, custody or disbursement of any of the public moneys, and may require such bond from such other officials as it may deem advisable. The premium charges for said bonds are to be paid by the Town.

The Town shall purchase a blanket fidelity bond from a reputable surety company to cover all persons entrusted with the collection, custody, or disbursement of town monies.

SECTION 702. BORROWING FUNDS
Town Council may, by resolve, from time to time issue general obligation securities and tax anticipation notes in accordance with the general law relating to municipalities. This provision shall not be subject to initiative and referendum under Article VIII.

ARTICLE VIII. INITIATIVE AND REFERENDUM

SECTION 800. POWER OF INITIATIVE
The registered voters shall have power to propose any resolution, order or ordinance, such power being known as the initiative. Such initiated resolution, order or ordinance may be submitted to the Town Council, within ninety (90) days after the filing of the affidavit, by a petition signed by registered voters of the Town equal in number to at least ten (10) percent of the number of registered voters who cast ballots at the last regular gubernatorial election.

SECTION 801. POWER OF REFERENDUM
The registered voters shall have power to approve or reject at the polls any resolution, order or ordinance passed by the Town Council, such power being known as the referendum.

Resolutions, orders or ordinances submitted to the Town Council by initiative petition and passed by the Town Council shall be subject to the referendum in the same manner as other resolutions, orders or ordinances.

Within twenty (20) days after the enactment by the Town Council of any resolution, order or ordinance which is subject to a referendum, a petition signed by at least ten (10) percent of the number of registered voters of the Town of Fairfield who cast ballots at the last regular gubernatorial election may be filed with the Town Clerk requesting that any such resolution, order or ordinance be either repealed or submitted to a vote of the registered voters.

SECTION 802. PROCEDURE FOR FILING AFFIDAVIT AND PETITION
Any five (5) registered voters of the Town may make and file with the Town Clerk an affidavit containing their names, address(es) and the address to which all notices are to be
The affidavit shall include a general statement with explanations of the resolution, order or ordinance. The Town Clerk shall thereupon deliver to the voter one paper and one electronic copy of the petition.

A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk.

A copy of the proposed language shall be in the possession of each petitioner whenever they are collecting signatures. Petitioners shall present the copy to any voter for review upon request.

**SECTION 803. FORM OF PETITIONS**
The petitions used to invoke the initiative or the referendum shall be substantially in the following form:

**PETITION TO THE FAIRFIELD TOWN COUNCIL**
"For the Submission to the People of the Question, 'Shall the proposed (resolution, order or ordinance), a copy of which is hereto attached, be adopted?' "We, the undersigned voters of the Town of Fairfield, residing respectively at the addresses placed opposite our names, hereby petition the Town Council to submit the foregoing question to the voters of the Town of Fairfield."

A copy of the affidavit filed with the Town Clerk shall be attached to the petition. The affidavit shall be:

a. A general statement with explanations of the (resolution, order or ordinance) and reasons why this petition is being circulated.

b. A list of the five (5) registered voters names, addresses, and date filed.

c. The following affirmation:

"Name, _____________, of Street and Number _____________. being duly sworn, deposes and says that he/she is the circulator of the foregoing petition containing signatures and that the signatures appended thereto were made in the circulator's presence and are to the best of the circulator's knowledge and belief the signatures of the persons whose names they purport to be.

Signed, ______________________________
Subscribed and sworn to before me, this _____ day of ______, 20__.
Notary Public"

**SECTION 804. SIGNATURES TO PETITIONS**
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 he/she, and he/she 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. With each signature shall be stated the same name printed, the place of residence of the signer, giving the street and number of the street or other description sufficient to identify the same.

SECTION 805. FILING, EXAMINATION AND CERTIFICATION OF PETITIONS
All petition papers comprising an initiative or referendum petition shall be filed with the Town Clerk. Within seven (7) 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 electors.

The Town Clerk shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a petition paper is found to be signed by more persons that the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons that the number Certified, the signatures shall be accepted, unless void on other grounds.

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) days after the giving of the notice, by filing of a supplementary petition upon additional papers, issued, signed and filed as provided herein for the original petition. The Town Clerk shall, within seven (7) 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 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. The final ending of the 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 Town Council 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.

SECTION 806. EFFECT OF AFFIDAVIT FOR REFERENDUM PETITION
Whenever there has been an affidavit filed with the Town Clerk to begin petitioning for the reference to the people of any such resolution, order or ordinance passed by the Town Council, the same shall be suspended from going into operation until the results of the petition are determined by the Town Clerk and an election has been held on the referendum question.
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If the petition is determined to be insufficient, the suspension of said resolution, order or ordinance shall be rescinded, and the resolution, order or ordinance shall go into effect as passed.

SECTION 807. CONSIDERATION BY TOWN COUNCIL
Whenever the Town Council receives a certified initiative or referendum petition from the Town Clerk, it shall proceed at once to consider such petition. A proposed initiative resolution, order or ordinance shall be read and acted on as in accordance with the Town Charter for passage without amendment. The Town Council shall take final action on the initiative resolution, order or ordinance not later than sixty (60) days after the date on which such resolution, order or ordinance was submitted to the Town Council by the Town Clerk. A referred resolution, order or ordinance shall be reconsidered by the Town Council and its final vote upon such reconsideration, which shall not be later than sixty (60) days after the date on which such certified referendum petition was submitted to the Town Council by the Town Clerk, shall be upon the question, "Shall the resolution, order or ordinance specified in the referendum petition be repealed?" In the case of the referendum, the entire repeal of the resolution, order or ordinance sought to be referred, and in the case of the initiative, the passage by the Town Council of the desired resolution, order or ordinance shall put an end to all proceedings under said petition.

SECTION 808. SUBMISSION TO VOTERS
If the Town Council shall fail to pass a resolution, order or ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefore, or if the Town Council fails to repeal a referred resolution, order or ordinance, the proposed or referred resolution, order or ordinance shall be submitted to the electors at the next regularly scheduled election.

SECTION 809. PUBLIC HEARING
No later than seven (7) days before the scheduled referendum the Town Council shall schedule and hold a public hearing on said referendum.

SECTION 810. FORM OF BALLOT
The ballots used when voting on such proposed resolution, order or ordinance shall set forth the title thereof in full and state its general nature.

a. Initiative ballots shall begin with the language, "Do you wish to enact the proposed (resolution, order or ordinance)?".

b. Referendum ballots shall begin with the language, "Do you wish to adopt the proposed (resolution, order or ordinance)?".

SECTION 811. RESULT OF ELECTION
If a majority of the qualified voters voting on said proposed initiative resolution, order or ordinance or said referred resolution or ordinance shall vote in favor thereof, such resolution, order or ordinance shall take effect ten (10) days after the declaration of the official canvass of the return of said election. A proposed initiative resolution, order or ordinance which is not approved by a majority of the electors shall be deemed rejected.
A referred resolution, order or ordinance which is not approved by a majority of the electors shall thereupon be deemed repealed.

SECTION 812. CONFLICTING RESOLUTIONS, ORDER OR ORDINANCES
Any number of proposed or referred resolutions, order or ordinance may be voted upon at the same election. In the event that two (2) or more resolutions, orders or ordinances adopted at the same election shall contain conflicting provisions, the resolution, order or ordinance receiving the highest number of votes at such election shall prevail to the extent of such conflict.

SECTION 813. RESOLUTIONS, ORDERS OR ORDINANCES SUBMITTED TO POPULAR VOTE
The Town Council may submit, on its own initiative, a proposition for the enactment, repeal or amendment of any resolution, order or ordinance 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 resolution, order or ordinance shall be enacted, repealed or amended accordingly.

ARTICLE IX. RECALL

SECTION 900. RECALL OF ELECTED OFFICIALS
Any five (5) registered voters of the Town of Fairfield may begin proceedings at any time to recall an elected officer or official of the Town of Fairfield, on the basis of misfeasance, malfeasance or criminal activity while in office, by requesting in writing from the Town Clerk the appropriate petition blanks. The Clerk shall stamp on said written request the date the request was received, and shall provide said voters with the appropriate petition blanks within ten (10) days thereof. These five (5) registered voters shall be referred to as the Recall Circulators.

All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing.

Each petition shall include the following:

a. The names of the Recall Circulators.

b. A clear statement detailing the reasons or reasons for the recall setting forth the specific conduct alleged to constitute misfeasance, malfeasance or criminal activity while in office. Each petition blank shall contain the following language above the lines upon which the signatures are to be made:

THIS IS A PETITION FOR THE REMOVAL OF (NAME OF THE PERSON SUBJECT TO THE RECALL PETITION) FROM THE OFFICE OF (NAME OF OFFICE).
TOWN OF FAIRFIELD
CHARTER

REASONS FOR SEEKING RECALL MUST SET FORTH SPECIFIC CONDUCT
ALLEGED TO CONSTITUTE MISFEASANCE, MALFEASANCE OR CRIMINAL
ACTIVITY WHILE IN OFFICE:

The Recall Circulators shall have thirty (30) days from the date the appropriate petition
blanks have been provided to them, to obtain the signatures of ten (10) percent of the
number of persons who voted in the Town in the last gubernatorial election. The petition
must be signed only by registered voters of the Town of Fairfield in the presence of at
least one of the Recall Circulators. Each voter’s signature must be followed by his or her
address.

Within thirty (30) days of the date the Recall Circulators requested and received the
petition blanks, the signed petition must be submitted to the Town Clerk. At the time of
its submission, the petition must contain an oath by each of the circulators that:

a. All signatures contained on the petition circulated by the particular circulator
were made in his or her presence.

b. To the best of his or her knowledge the signatures are the signatures of the
persons whose names they purport to be.

The Town Clerk shall stamp on the petition the date it was received. No further
signatures and no alterations to the petition may be made after that date.

Upon receiving the signed recall petition, the Town Clerk shall determine the following:

a. Whether or not the names appearing on the petition appear on the list of
registered voters of the Town.

b. Whether or not the petition has been signed by enough registered voters to
equal ten (10) percent of the number of persons voting in the Town of
Fairfield in the last gubernatorial elections.

c. Whether or not the petition complies with the other provisions of this Charter.

The signatures of any persons who are not registered voters of the Town shall not count
toward the number of signatures necessary to call a recall referendum.

Within seven (7) days of receiving the signed recall petition, the Town Clerk shall certify
to the Town Council, under oath, the following:

a. Whether or not the signed petition was received in his or her office within
thirty (30) days of the date the petition blanks were provided to the recall
circulators.

b. That the names appearing on the petition which are not lined out also appear
on the list of registered voters of the Town.
c. Whether or not, to the best of his or her knowledge, the petition complies with the provisions of this Charter.

d. Whether or not there are enough valid signatures on the petition to equal ten (10) percent of the number of persons voting in the Town in the next previous gubernatorial election.

In making the above determinations, the clerk may exercise his or her discretion with regard to the validity of the signatures on the petition. The oaths required of the circulators and the Town Clerk shall be made before a person authorized by law to administer oaths.

Upon receipt of the certification and signed petition from the Town Clerk, the Town Council if all the above certifications are in the affirmative, shall schedule and hold within sixty (60) days from the date it received the certification and petition, a municipal referendum for the purpose of submitting to vote the question of recall. If any question is certified in the negative, no further action shall be taken, and no further petition for recall of that elected official may be initiated for the same reasons until one hundred and eighty (180) days after the petition was received by the Town Clerk. No later than seven (7) days before the scheduled referendum on the recall the Town Council shall schedule and hold a public hearing on said recall.

An elected official of the Town shall be immediately recalled, and his office deemed to be immediately vacant, if:

a. The number of persons who vote at the recall referendum is equal to or greater than twenty five (25) percent of the number of persons who voted in the Town at the last gubernatorial election, and

b. A majority of those voting at the scheduled referendum vote to recall.

Within forty-five (45) days after the voters have voted to recall an elected official of the Town, the Town Council shall schedule a special election to fill said vacancy.

An elected official who is recalled by the voters shall be allowed to seek re-election at the special election called for the purpose of filling the vacancy created by the recall. Qualified voters who seek to fill the vacancy created by the recall shall have until the 15th day preceding the date of the special election to file with the Town Clerk their nomination petitions. The nomination petitions shall be made available by the Town Clerk at least ten (10) days before the final date for filing.

Until recalled by vote at a recall referendum, an elected official with respect to whom a recall proceeding has been initiated, shall continue to exercise all the privileges and duties of his or her office.

The ballot for recall shall contain the following question: “Shall (name of person subject to recall) be removed from the office of (name of office)?” To the left of such question
shall be printed two squares with “YES” beside one and “NO” beside the other.

ARTICLE X. MISCELLANEOUS

SECTION 1000. SEPARABILITY CLAUSE
If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby. If any provision of this Charter is held invalid by reason of conflict with State or Federal Law, the provisions of the applicable State or Federal Law shall automatically become incorporated in this Charter in place of the invalid Charter provision.

SECTION 1001. TERMS OF OFFICE OF INCUMBENT
Upon the adoption of this Charter, the terms of office of incumbent Town Councilors and MSAD #49 School Board Members shall continue uninterrupted. The following must occur to transition MSAD #49 School Board Members to a June election.

<table>
<thead>
<tr>
<th>MSAD #49 School Board Member</th>
<th>Current Term Expiration</th>
<th>New term to be elected in NOVEMBER of</th>
<th>New term to start on January 1,</th>
<th>New term to expire on JUNE 30,</th>
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</thead>
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<tr>
<td>1</td>
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<td>2018</td>
<td>2021</td>
</tr>
<tr>
<td>2</td>
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<td>2018</td>
<td>2021</td>
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<tr>
<td>3</td>
<td>2018</td>
<td>2018</td>
<td>2019</td>
<td>2022</td>
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<tr>
<td>4</td>
<td>2018</td>
<td>2018</td>
<td>2019</td>
<td>2022</td>
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<td>6</td>
<td>2019</td>
<td>2019</td>
<td>2020</td>
<td>2023</td>
</tr>
</tbody>
</table>

Commencing in June of 2021

<table>
<thead>
<tr>
<th>MSAD #49 School Board Member</th>
<th>Term Expiration</th>
<th>New term to be elected in JUNE of</th>
<th>New term to start on JULY 1,</th>
<th>With a term to expire on JUNE 30,</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<td>2023</td>
<td>2023</td>
<td>2026</td>
</tr>
</tbody>
</table>

Town of Fairfield Charter 18
Two (2) person, three (3) year terms shall continue.

**SECTION 1002. REPEALING CLAUSE**
All acts and parts of acts of the private and special laws of the State of Maine relating to the Town of Fairfield, inconsistent with the provisions of this Charter, are repealed.

**SECTION 1003. ORDINANCES NOT INCONSISTENT CONTINUE IN FORCE**
All ordinances of the Town of Fairfield in force at the time this Charter takes effect, not inconsistent with the provisions of this Charter shall continue in full force until amended or repealed by the Fairfield Town Council.

**SECTION 1004. EXISTING CONTRACTS NOT INVALIDATED**
All rights, actions, proceedings, prosecutions and contracts of the Town shall be enforced, continued, or completed in all respects as though begun or executed hereunder.

A TRUE COPY ATTEST:

____________________
Town Clerk