

Code of the Town of Millinocket

COUNTY OF PENOBSCOT

STATE OF MAINE

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GENERAL CODE PUBLISHERS CORP.

72 Hinchey Road

Rochester, New York 14624

1987

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PREFACE

In the land of Katahdin, the heart of the vital paper milling areas of Maine, Millinocket sits proudly reflecting on its past while constantly planning for the future.

The Town of Millinocket, over time has passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the Town, in 1901 subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and governance of the Town of Millinocket. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current times, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. These records must be available and logically arranged for convenient use and must be kept up-to-date. In accordance with State of Maine statutes and the United States Constitution. It was with thoughts such as these in mind that the Town Council ordered the following codification of the Town's legislation.

Contents of Code

The various chapters of the Code contain all currently effective legislation (ordinances) of a general and permanent nature enacted by the Town Council of the Town of Millinocket, including revisions or amendments to existing legislation deemed necessary by the Town Council in the course of the codification.

Division of Code

The Code is divided into parts. Part I, Administrative Legislation, contains all Town legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other Town legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

Grouping of Legislation and Arrangement of Chapters

The various items of legislation are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more items of legislation dealing with the same subject, they are combined into a single chapter. Thus, for example, all legislation pertaining to the regulation of streets and sidewalks may be found in Part II, in the chapter entitled "Streets and Sidewalks." In such chapters, use of Article or Part designations has preserved the identity of the individual items of legislation.

Table of Contents

The Table of Contents details the alphabetical arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, titles of the several Articles or Parts are listed beneath the chapter title to facilitate location of the individual item of legislation.

Reserved Chapters

Unassigned chapter numbers do not appear in the Table of Contents but are available for assignment to new enactments. In this manner, new subject matter can be included alphabetically.

Pagination

A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter followed by a colon and the numeral "1." Thus, Chapter 6 would begin on page 6:1. By the use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

Numbering of Sections

A chapter-related section-numbering system is employed, in which each section of every item of legislation is assigned a number which indicates both the number of the chapter in which the legislation is located and the location of the section within that chapter. Thus, the first section of Chapter 6 would be § 6-1, while the fourth section of Chapter 53 would be § 53-4. New sections can then be added between existing sections using a decimal system. Thus, for example, if two sections were to be added between §§ 53-4 and 53-5, they would be numbered as §§ 53-4.1 and 53-4.2.

Scheme

The Scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

Histories

At the end of the Scheme in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, local law number, bylaw number, resolution number, etc.), if pertinent, and the date of adoption. In the case of chapters containing Parts or Articles derived from more than one item of legislation, the source of each Part or Article is indicated in the History. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

Codification Amendments and Revisions

New chapters adopted or sections amended or revised during the process of codification are specifically enumerated in chapter Histories with reference to "Ch. 1, General Provisions," where the legislation adopting this Code and making such revisions will appear after final enactment. Sections so amended or re-vised are also indicated in the text by means of Editor's Notes referring to the chapter cited above.

General References; Editor's Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

Index

The Index is a guide to information. Since it is likely that this Code will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added to the Code.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or complete new additions, will be adopted as amendments to the Code. In doing so, existing material that is not being substantively altered will not be renumbered. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 45-5 and 45-6 should be designated § 45- 5.1). New chapters will be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles will begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the table of contents, and a new enactment on coin-operated amusement devices will be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the table of contents). Where a reserved number is not available, an "A" chapter will be used (e.g., a new chapter to be included between Chapters 45 and 46 should be designated Chapter 45A). New Articles may be inserted between existing Articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" Articles (e.g., a new Article to be included between Articles XVI and XVII will be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 45-30 and Article XVII begins with § 45-31. Article XVIA will contain §§ 45-30.1 through 45-30.6).

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages will be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

Acknowledgment

This Code is the result of much time and effort on the part of the Town's officials. The editor wishes to particularly acknowledge the efforts of the Millinocket Town Council and especially the cooperation and hard work of Town Manager William Ayoob. His desire for accuracy and attention to detail, as well as his kindness and courtesy contributed greatly to the successful outcome of this project.

The codification of the legislation of the Town of Millinocket reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code that this Code will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

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[HISTORY: Adopted at the town election held 3-14-1969; amended 7-11-1974, 3-9-1979, 7-8-1980, 11-2-1993 and 11-4-2025. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

General provisions - See Ch. 1, Art. I.
Administration of government - See Ch. 3.

ARTICLE I**Grant of Powers to the Town****§ C101. Incorporation.**

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

§C102. Powers of the town.

- A. The town 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 authorities 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 a minimum of \$100 unless a lower minimum is established or waived by the council.
- B. The town may acquire property within or without its corporate limits for any town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interest may require.
- C. The Charter shall be liberally construed to the end, the Town of Millinocket may have all the powers necessary or convenient for the conduct of its municipal affairs, including all powers the town may assume pursuant to state laws and of the provisions of the State of Maine Constitution.

ARTICLE II**Town Council****§C201. Membership; Election; Terms.**

The Town Council shall be composed of seven (7) members, each of whom shall be elected by the registered voters of the entire town. Each member shall be elected for a term of three (3) years and until a successor is elected and qualified.

§C202. Qualifications. [Amended 11-4-2025 by Municipal Referendum]

Councilors shall be qualified electors (registered voters) of the Town of Millinocket and reside in the Town of Millinocket during each Councilor's term in office. A Councilor shall hold no office of emolument or profit under the Town Charter or ordinances. If a Councilor shall cease to possess any of these qualifications, or is convicted of a felony or crime of involving moral turpitude during a Councilor's term of office, upon the expiration of any appeal period following conviction with no appeal being filed or upon a final decision resolving any and all appeals, that Councilman's office shall be immediately vacant upon notice of such conviction to the Council.

§C203. Powers and duties generally.

The members of the Town Council shall constitute the municipal officers of the Town of Millinocket for all purposes required by statute, and except as otherwise herein specifically provided, shall have all powers and authority given to, and perform all duties required of, municipal officers under the laws of the State of Maine, and have all the powers heretofore vested in the Town Meeting, subject to provisions of Article IX.

§C204. Enumeration of powers.

Without limitation of the foregoing, the Council shall have power to:

- A. Appoint and remove the Town Manager and the Town Clerk; appoint the Board of Assessment Review, the Board of Appeals, the Planning Board; and determine the process of appointment of the following officers: Assessor, Treasurer and Town Attorney.
- B. By ordinance create, change, and abolish offices, departments, or agencies other than the offices, departments and agencies established by this Charter. The Council by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter but may not discontinue or assign to any other office, department, or agency any function or duty assigned by this Charter to a particular office, department, or agency. The Council may, however, vest in the Manager all or part of the duties of any office except the School Department.
- C. Make, alter and repeal ordinances; included under this power shall be the power to enact ordinances regulating the following classes of persons, businesses and purposes and to grant licenses and permits therefor for such periods of time and in accordance with such rules and regulations, not inconsistent with law, upon payment by the licensee of such fees and filing of such bonds as said Town Council may establish and make provisions for

by ordinance, to wit: but not limited to; auctioneers, the maintenance and operation of garages, filling stations, sidewalk, tanks and pumps for the sale or distribution of gasoline and other volatile flammable liquids for fuel or power, the manufacture, storage, sale, transportation, disposition and use of explosives and flammable liquids; billiard halls, pool halls, bowling alleys, roller-skating rinks, junk, dealers in secondhand parts and salvage of automobiles, dealers in secondhand merchandise, hawkers and peddlers, employment agencies, itinerant vendors, public automobiles, taxicabs and motor buses, public wagons and trucks, amusements, exhibitions and performances, theaters, moving-picture houses, inns, victualers, pawnbrokers, lodging houses, public shooting galleries, the manufacture, storage, sale, distribution and use of fireworks, dance halls, circuses, and the erection of signs, flags, banners, awnings, marquees and all other things within the limits of the sidewalks, roads, ways and streets of said town, and no such objects placed within said limits in accordance with such ordinances shall be deemed defects in such sidewalks, roads, ways and streets.¹

- D. Inquire into the conduct of any office, department or agency of the town and make investigations to municipal affairs. Town Council will also have the authority to place a department head on paid leave until an investigation is completed.
- E. Adopt land survey maps.
- F. Adopt and modify the Official Map of the Town of Millinocket.
- G. Regulate and restrict the height and the number of stories of buildings and other structures, the size of yards and courts, the density of population and the location and use of buildings for trade, industry, business, residence, or other purposes through zoning ordinances.
- H. Create a housing and/or rental authority.
- I. Adopt, modify and carry out plans proposed by the Planning Board for the clearance, rehabilitation and or remediation of blighted areas and/or properties.
- J. Adopt, modify, and carry out plans proposed by the Planning Board for the replanning, improvements, and redevelopment of neighborhoods and for the replanning, reconstruction and redevelopment of any area or district which may have been destroyed in whole or in part by disaster.
- K. Provide for an annual audit.

¹ Editor's Note: See Part II, General Legislation, of the Code of the Town of Millinocket for ordinances regulating such persons and businesses.

§C205. Compensation. [Amended 4-17-1986 by Ord. No.4-86]

[Amended 11-4-2025 by Municipal Referendum]

The Town Council will set the compensation of its members from time to time through the annual budget process with changes in compensation effective on July 1st following final adoption of the annual budget for each fiscal year. The Council, by order, shall fix the salaries of employees which it appoints, or for which it determines the manner of appointment, including the Town Manager, for his/her services. The Town Council shall also determine the salaries of employees appointed by the Town Manager.

§C206. Induction into office. [Amended 1-6- 1984 by Ord. No 2-84]

Effective January 1, 1985, the Town Council and the School Board shall meet at the Town Council Chambers at 7:00 p.m. on the second Monday in November, and at said meeting Councilors-elect and School Board members-elect shall be sworn to the faithful discharge of their duties by a Notary Public or by the Town Clerk.

§ C207. Council to judge qualifications of its members.

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

§C208. Regular meetings; special meetings, posting of Council actions.

- A. The Town Council shall, at its first meeting or as soon thereafter as possible, establish by ordinance or 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 Town Council shall be open to the public in accordance with M.R.S.A Title 1 §§ 401 to 406.
- B. Minutes of the Council shall be posted in the town office and will be posted on the town website, and social media outlets within a reasonable time.

§C209. Chair.

At its first meeting or as soon thereafter as practicable, the Council shall elect, by majority vote of the entire Council, one (1) of its members for the ensuing year as Chair, and the Council may fill, for an unexpired term, any vacancy in the office of Chair that may occur. The Chair 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 they shall have no regular administrative duties. In the temporary absence or disability of the Chair, the Town Council may elect a Chair Pro tempore from among its members, and they shall exercise all the powers of Chair during such temporary absence or disability of the Chair and shall receive such compensation as the Chair normally receives.

§C210. Quorum; adjourned meeting.

A majority of the Town Council shall constitute a quorum for the transaction of business. A smaller number may adjourn or may compel attendance of absent members, with at least twenty-four (24) hours' notice of the time and place of holding such an adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

§C211. Vacancies.

If a seat in the Council becomes vacant more than six (6) months prior to the next regular town election, the vacancy shall be filled for the unexpired term within sixty (60) days from the date that the vacancy occurred by a special election, the warrant for which shall , upon vote of the Town Council, be issued by a member of the Town Council, by vote designated for that duty.

§C212. Rules of procedure, ordinances, orders and resolves.

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 (1) subject, which shall be clearly expressed in the title. All appropriation orders or resolves shall be confined to the subject of appropriations only.

§C213. Adoption of ordinances.

Before any ordinance shall be passed, at least two (2) 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 a circulation in said town, posted on the towns website, posted on the towns social media outlets and by posting a notice in a public place. The yeas and nays shall be taken on the passage of all ordinances and entered on the record of the proceedings of the Council by the Clerk. 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, unless changed by council majority vote, subject to the provisions of Article IX

§C214. Town Clerk as Clerk of Council; records.

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

§C215. Independent annual audit.

Prior to the end of each fiscal year, the Council shall designate the State Department of Audit or private 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 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 the Department of Finance and any separate or subordinate accounts kept by any other office, department or agency of the town government.

§C216. Appointment of Town Manager.

The Council shall appoint an officer of the town who shall have the title of 'Town Manager' and shall have the powers and perform the duties in this Charter provided. No Councilor shall receive such appointment during the term for which he shall have been elected nor within one (1) year after the expiration of his term, nor shall any member of the Town Council act in that capacity.

§C217. Removal of Town Manager.

The Council shall appoint the Manager for a definite term and may be removed. The Manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the Council by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution, the Council may suspend the Manager from duty, but the regular salary of the Manager shall continue to be paid to them during the period of suspension. If removal is voted, the Council shall cause to be paid to the Manager forthwith any unpaid balance of their salary and their salary for at least the next two (2) calendar months.

§C218. Interference by Council with administrative service.

Neither the Council nor any of its members shall direct or request the appointment of any person to or their removal from office by the Manager or by any of their subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Manager, and neither the Council nor any member thereof shall give orders to any subordinates of the Manager, either publicly or privately.

§C219. Recall of elected officials. [Added 9-26-1985 by Ord. No.4-85)

Any person elected to any office in the Town of Millinocket may be recalled and removed therefrom by the electors of the town as herein provided.

A. Procedure for initiating recall petition.

- (1) Any thirty (30) qualified voters of the town of Millinocket 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 30 calendar 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 of Millinocket in the last 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 thirty-calendar 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 of Millinocket 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 printed name, 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) business 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) business days of certification as sufficient and shall notify the elected official whose removal is sought of such action. The Town Council shall there upon, within ten (10) days of the receipt of the Town Clerk's certification, order an election to be held not more than forty-five (45) days after receipt to submit to vote the question of recall. If recall is effective, the Town Council shall, within forty-five (45) 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 six months 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 that 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 Millinocket Town Council and/or the Millinocket School board, 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 their 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.

ARTICLE III

Town Manager

§C301. Qualifications. [Amended 11-4-2025 by Municipal Referendum]

The Town Manager shall be chosen by the Council on the basis of his character and his executive and administrative qualifications with reference to the individual's actual and related experience in, or knowledge of, accepted practice with respect to the duties of the office as hereinafter set forth. At the time of their appointment, the individual need not be a resident of the town but will be required to establish a residence within a safe commuting distance of the Town of Millinocket within six (6) months of appointment to the position of Town Manager.

§C302. Powers and duties.

The Town Manager shall be the chief administrative officer and the head of the administrative branch of the town government and shall be responsible to the Council for the proper administration of all affairs of the Town of Millinocket. They shall have the power and shall be required to:

- A. Appoint, prescribe the duties of and, when necessary for the good of the service, remove all officers and employees of the town, except as otherwise provided herein and except as they may authorize the head of a department or office to appoint and remove subordinates in such department or office.
- B. Prepare the budget annually, submit it to the Council and be responsible for its administration after adoption.
- C. Prepare and submit to the Council as of the end of the fiscal year, a complete report on the finances and administrative activities of the town for the preceding year and cause such annual town report to be published and made available to the public by the end of the first quarter after the close of the fiscal year.
- D. Attend the meetings of the Council, except when their removal is being considered, and keep the Council advised of the financial condition and future needs of the town and make such recommendations as may seem desirable.

- E. See that all laws and ordinances governing the Town of Millinocket are faithfully executed.
- F. Act as Purchasing Agent for all departments of the Town of Millinocket, except the School Department.
- G. Perform such other duties as may be prescribed by this Charter or required by the Council, not inconsistent with this Charter.
- H. Prepare an Administrative Code, submit it to the Council and be responsible for its administration after adoption.²

§ C303. Absence or disability.

To perform the manager's duties during a temporary absence or disability of 30 days or more, the Manager may, with the consent of the Council, designate by letter filed with the Town Clerk a qualified administrative officer of the town. 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 the manager returns.

§C304. Establishment of departments.

There shall be a Department of Education and such other departments as may be established by ordinance upon the recommendation of the Manager.

§C305. Appointment of Health Officer.

The Manager shall appoint a Health Officer, who shall serve for such term and exercise such powers and perform such duties as may be prescribed, conferred or imposed by law. The Health Officer shall meet such qualifications as may be specified generally for such positions by the State Commissioner of Human Services.

Editor's Note: See Ch.3, Administration of Government.

ARTICLE IV**Department of Education****§C401. Board of Education.**

The Department of Education shall be administered by a Board of Education, hereinafter referred to as the "School Board", which shall consist of five (5) duly qualified electors of the Town of Millinocket, who shall be nominated and elected by the registered voters of the Town of Millinocket according to the provisions of Article VIII of this Charter for a term of three (3) years and who shall serve until their successors are elected and qualified.

§C402. Qualifications of Board members. [Amended 11-4-2025 by Municipal Referendum]

Members of the School Board must be qualified electors (registered voters) of the Town of Millinocket and reside in the Town of Millinocket during each member's entire term in office. Members will hold no office of emolument or profit under the Town Charter or ordinances. If a member of the School Board will cease to possess any of these qualifications, or is convicted of a felony or crime of involving moral turpitude during a member's term of office, upon the expiration of any appeal period following conviction with no appeal being filed or upon a final decision resolving any and all appeals, that member's office will be immediately vacant upon notice of such conviction to the Council or School Board.

§C403. Vacancies on Board.

If for any reason a vacancy exists in the membership of the School Board, it shall be filled by a majority vote of the Council until the next municipal election.

§C404. Organization; swearing in; quorum.

The members of the School Board shall meet for organization on the second Monday from the date of their election. The members-elect shall be sworn to the faithful discharge of their duties by a Notary Public or by the Town Clerk, and a record made thereof. The majority of the whole number of the School Board shall be a quorum, and they shall elect their own Chairman.

§C405. Powers and duties of Board; preparation of budget.

[Amended 11-4-2025 by Municipal Referendum]

- A. The School Board will have all the powers conferred, and will perform all the duties imposed, by law upon superintending school committees in regard to the care and management of the public schools of the Town of Millinocket, except as otherwise provided in this Charter. The School Board will prepare budget estimates in detail of the several sums required during the ensuing budget year for the support of the public schools and a draft budget will be provided to the Town Council and public prior to each School Board budget workshop and the current proposed draft budget will be sent out along with public notice of each budget workshop. The final budget adopted by the School Board will be submitted to the Town Council for approval and the Town Council will act on the school budget prior to the beginning of the next school year. The Town Council will prescribe the time and place of presentation of the school budget.

- B. [Amended 1-6-1984 by Ord. No. 1-84]

[Amended 11-4-2025 by Municipal Referendum]

The school budget will include an itemized statement of revenue from:

- (1) Total education costs appropriated pursuant to Title 22 Section 15690 subsection 1;
- (2) Non-state funded debt service costs approved pursuant to Title 22 Section 15690 subsection 2;
- (3) Additional local funds, if any, approved pursuant to Title 20-A Section 15690 subsection 3, paragraph A. together with a statement of the amount of money to be raised by municipal taxation, together with comparative figures from the current and next preceding school budget year.

The school budget will include the School Board's recommended appropriation for each of the following line-item categories of proposed expenditures, the sum of which will constitute the total proposed appropriation for school purposes, as well as year-to-date expenditures for the previous year and preceding two years:

- (1) Regular instruction;
- (2) Special education;
- (3) Career and technical education;
- (4) Other instruction, including summer school and extracurricular instruction;
- (5) Student and staff support;

- (6) System Administration;
 - (7) School Administration;
 - (8) Transportation and buses;
 - (9) Facilities maintenance;
 - (10) Debt Service and other commitments; and
 - (11) All other expenditures, including school lunch;
- C. The Town Council, after reviewing the proposed budget, may change the proposed appropriation in any of the above line categories prior to approving the final budget. Approval of the school budget shall fix the appropriation for each of the line item categories and the School Committee shall not authorize the transfer of approved amounts from one line item category to another without prior approval of the Town Council. The expenditures included within each line item category shall be consistent with the accounting and reporting requirements of the Maine State Department of Education and Cultural Services. The Council may not by ordinance create additional line item categories within the school budget.
- The School Board shall review the budget at least quarterly to compare year-to-date expenditures to those amounts as approved by the Town Council. Any documents prepared pursuant to this requirement shall be immediately disseminated to the public and become part of the public record.
- E. All filing of grants requiring cash flow encumbrance will require previous notification to the Manager and Town Treasurer.

ARTICLE V

Budget

§C501. Fiscal year, budget year.³

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 calendar year. 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.

³Editor's Note: See also § 3-8 of Ch.3. Administration of Government.

§C502. Preparation and submission of budget.

- A. The Town Manager shall, not less than 60 days before the beginning of any budget year, submit to the 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, including the Department of Education. This budget shall be compiled from detailed information furnished by the administrative officers and boards on blanks, forms of which shall be designated by the Manager and shall contain:
- (1) Exact statement of the financial condition of the Town of Millinocket.
 - (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 two preceding fiscal years. 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, with comparative figures from current and next two preceding years.
 - (4) Such other information as may be required by the Town Council.
- B. The proposed budget prepared by the Manager shall be reviewed by the Town Council, which shall approve the budget with or without amendments. The Town Council shall give public notice as to the availability of the budget and the time and place of hearing. The Council shall then review and act on the budget.

§C503. Budget establishes appropriations.

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

§ C504. Budget establishes tax levy; certification to Town Assessor.

From the date of adoption of the budget, the amounts stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the Town of Millinocket 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.

§C505. 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, including the School Department, and program expenditures, in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget.

§C506. Departmental expenditures; gross appropriations.

The budget for all departments, including the School Department, shall include all proposed expenditures, and the Town Council shall make a gross appropriation for each department, including the School 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 Article IX, but the school budget shall be expended under the direction and control of the School Board.

§C507. (Reserved)**§C508. Transfer of unencumbered appropriations.**

The Council may by resolution transfer any unencumbered appropriation balance or portion thereof between general classification of expenditures within an office. The school unencumbered appropriations will remain in the school budget as a carry-over amount and cannot be spent until audited.

§C509. Interim expenditures; public statement of over expenditures.

- A. 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.
- B. If any act of the Council shall cause the annual town budget to be exceeded by any amount, this fact shall be stated publicly in the report of the Council as provided for in Sub Section C208 of this Charter.

ARTICLE VI**Tax Administration****§C601. Division of Assessment; Town Assessor.**

- A. There shall be established a Division of Assessment, the head of which shall be the Town Assessor. The Assessor, appointed as hereinbefore provided, shall exercise the same powers and be subject to the same duties and liabilities as established by the laws of the State of Maine.
- B. Millinocket property revaluations will occur in accordance with State of Maine law chapter 208.

§C602. Board of Assessment Review; compensation; vacancies.

There shall be a Board of Assessment Review, to consist of three (3) members who shall be appointed by the Town Council for a term of three (3) years. Compensation, if any, to such members shall be determined by the Town Council. Vacancies in the membership of such Board shall be filled by appointment by the Council for the unexpired term.

§C603. Powers and duties of Board of Assessment Review.

The powers and duties of the Board of Assessment Review shall be to:

- A. Review, on complaint of property owners, and revise, if necessary and proper, assessments for the purpose of taxation of real and personal property within the Town of Millinocket limits made by the Town Assessor.
- B. Administer oaths.
- C. Take testimony.

- D. Hold hearings.
- E. Adopt regulations regarding the procedure of assessment review.

ARTICLE VII

Municipal Development

§C701. Planning Board.

There shall be a Town Planning Board, which shall be appointed, have such powers and perform such duties as are provided by the laws of the State of Maine.⁴

§C702. Zoning Ordinance.

There shall be a Zoning Ordinance as provided by state law.⁵

§C703. Board of Appeals

There shall be a Board of Appeals, which shall be appointed by the Town Council, have such powers and perform such duties as are provided by the laws of the State of Maine.⁶

ARTICLE VIII

Nominations and Elections

§C801. Municipal elections. [Amended 146-1984 by Ord.No.2-84]

Effective January 1, 1985, the regular election for the choice of members of the Town Council and the School Board shall be held on the first Tuesday after the first Monday in November. The Council may, by resolution, order a special election at any time to fill vacancies in the Council.

§C802. Qualification for nomination.

Any qualified elector of the Town of Millinocket may be nominated for the Council or School Board in accordance with the laws of the State of Maine.

4 Editor's Note: See Ch. 23. Planning Board.

5 Editor's Note: See Ch. 125, Zoning.

6 Editor's Note: See Ch. 5. Appeals. Board of.

§C803. Conduct and management of elections.

Provisions of the laws of the State of Maine relating to the qualifications of electors, 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.

§C804. Voting places.

The voting places established for state elections shall be established for municipal elections.

§C805. Election officials.

The Town Council shall, at least ten (10) days before any election, appoint a Warden, who shall exercise all duties as prescribed by State of Maine law, and a Clerk, in addition to the regular Ballot Clerks, for each voting place.

§C806. Activity restricted at voting places.

No unofficial activities, including but not limited to, the selling of any baked goods, crafts, or raffle chances; the collection of petition signatures for any cause; or polling or picketing; shall be allowed within 200 feet of any voting place. The Warden shall be empowered to enforce this section.

ARTICLE IX**Initiative and Referendum****§C901. Petition for overrule of Council action.**

All ordinances, orders or resolves, except those making appointments or removals or regulating exclusively the internal procedure of the Council, shall be subject to overrule by a referendum as follow:

- A. 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 (1) instrument for filing. They shall contain or have attached thereto throughout their circulation 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 of Millinocket, each voter's signature, printed name, and followed by their address.

- B. Each paper of the petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that they personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in their presence, that they 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, order or resolve sought to be reconsidered.
- C. If within ten (10) days after the enactment of any such ordinance, order or resolve, or the next business day should the 10th day fall on a non-business day, the appropriate petition, signed by registered voters of the Town of Millinocket numbering at least twenty percent (20%) of the number of votes cast in the Town of Millinocket at the last gubernatorial election, is filed with the Town Clerk, requesting its reference to a referendum, the Town Council shall call a public hearing to be held within fourteen (14) 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 of Millinocket, 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. [Amended 11-3-1992]

§C902. Submission by Council of proposition 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 review a majority of the votes cast thereon at such election, such ordinance, order or resolve shall be enacted, repealed or amended accordingly.

§C903. Enactment of ordinance by initiative.

Ordinances may be enacted by the following initiative procedure.

- A. 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 included with the request. All papers of the petition shall be uniform in size and style and shall be assembled as one (1) 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 of Millinocket, and each voter's signature, printed name, and shall be followed by their address.
- B. Each paper of the petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that they personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in their presence, that individual 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.
- C. Upon receipt by the Town Clerk of the appropriate petition, signed by registered voters of the Town of Millinocket numbering at least twenty percent (20%) of the number of votes cast in the Town of Millinocket at the last gubernatorial election, the Town Council shall call a public hearing to be held within fourteen (14) 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 municipal election for the purpose of submitting to votethe question of adopting such ordinance, unless such 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. [Amended 11-3-1992]
- D. 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, unconstitutional provisions, to assure accuracy in its text, reference, clearness, and preciseness in its phraseology, but shall not materially change its meaning and effect.

§C904. Form of ballot.

- A. 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, or order or resolve entitled, "be approved?"
- ___ YES ___ NO
- B. The voters shall indicate their choice by a "X" or check mark placed in the appropriate box under the words "YES" or "NO".

§C905. (Reserved)**§C906. Referendum Reconsideration Limited.** [Amended 9-30-1993]

Any issue that has been decided by referendum vote shall not be reconsidered by any means until at least one full year has lapsed from the time of referendum vote. Provided, however, any issue may be reconsidered if the Town Council determines that an emergency exists affecting the health, safety, or welfare of the inhabitants of the Town of Millinocket.

ARTICLE X**General Provisions****§C1001. Repealer.**

Chapter 131 of the private and special laws of 1965 is repealed; and all acts and parts of acts of the private and special laws of Maine relating to the Town of Millinocket, inconsistent with the provisions of this Charter, are repealed.

§C1002. Severability.

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

§C1003. Title.

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

§C1004. Existing rights and contracts not affected.

The Clerks of the Supreme Judicial and Superior Courts may issue summons for witnesses to attend and produce books, documents, and papers at any meeting of the Town Council for the Town of Millinocket at which a hearing is had in any matter regarding any alleged dereliction, which summons shall be served as required to be sufficient in matters before the Supreme Judicial or Superior Courts. On complaint or failure to obey summons to the District Court for Northern Penobscot, which Court is expressly given jurisdiction to hear such complaints, said District Court, if it finds failure to obey said summons to be without reasonable excuse, shall impose a fine of not less than ten dollars (\$10.) nor more than one hundred dollars (\$100.) or imprisonment for not more than thirty (30) days, or both. All rights of appeal are to be available as exist in the general laws of the Town Clerk.

§C1006. Oath of office.⁷

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

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Maine; that I will, in all respect, observe the provisions of the Charter and ordinances of the Town of Millinocket, and will faithfully discharge the duties of the office of _____"

§C1007. Continuation of ordinances not inconsistent.

All ordinances of the Town of Millinocket 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.

⁷ Editor's Note: See also Subsection 3-6 of Ch. 3, Administration of Government.

§C1008. Removal of officers and employees; appeals.

Any officer or employee to whom the Town Manager or a head of any office, department or agency may appoint a successor may be removed by the Manager or other appointing officer at any time. The decision of the Manager or other appointing officer shall be subject to appeal to the Personnel Appeals Board. Notice of such appeal shall be made in writing to the Town Manager and the Town Council within thirty (30) days of notice of dismissal.

§C1009. Personnel Appeals Board.

There shall be Personnel Appeals Board consisting of three (3) members appointed by the Town Council from among the qualified voters of the Town of Millinocket. All appointments shall be made for terms of three (3) years.

§C1010. Municipal Document Review

- A. An informal review of the Town of Millinocket charter will be completed a minimum of once every 10 years.
- B. An informal review of the Town of Millinocket Zoning code/Subdivision Ordinance books will be completed a minimum once every 10 years.
- C. An informal review of the Town of Millinocket Comprehensive plan will be completed once every 5 years.

§C1011. Bonds of officials.⁸

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 to be paid by the Town of Millinocket.

⁸ Editor's Note: See also Subsection S. 7 of Ch. 3, Administration of Government.

§C1012. Charter amendment. [Amended 11-3-1992]

[Amended 11-4-2025 by Municipal Referendum]

This Charter may be amended in accordance with 30-A M.R.S.A. Subsection 2101 et seq.⁹

At least once every ten (10) years, the Council, by order, shall create a committee comprised of members of the Council and qualified electors (registered voters) of Millinocket to review the Charter and recommend amendments to this the Charter to be considered by the Council in accordance with Title 30-A M.R.S.A. section 2104 as amended from time to time or replaced by another statute.

⁹ Editor's Note: The following provisions appeared immediately following this section "Emergency clause; referendum; effective date; certificate to Secretary of State and resubmission to the voters. In view of the emergency cited in the preamble, this Act shall take effect when approved, only for the purpose of permitting its submission to the legal voter of the Town of Millinocket at the next annual town election to be held in

March 1969. 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 meet in the regular voting place of said town, there to cast their ballots on the approval or rejection of this Act. Failure of approval by the legal voters of the Town of Millinocket at the annual town meeting of 1989 shall not prevent subsequent elections held before 1974. 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 Providing for a Council-Manager Form of Government for the Town of Millinocket, passed by the 104th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words 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 immediately following the first election held under the provision of this Charter following (the approval of this Act. "The results of the vote shall be declared by the municipal officer, of the Town of Millinocket and due certificate thereof shall be filed by the Town Clerk with the Secretary of State."