

Charter of the Town of Rockport

ARTICLE VIII General Provisions

Section 1 Initiative and Referendum

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

State Law Reference: Title 30-A, MRSA, Section 2528(5)

- B. Procedure. The details of procedure by which both of these rights are fulfilled are described in Title 21, Section 1351 et seq. of the Maine Revised Statutes Annotated of 1964 and amendments thereto. Nothing in this Charter shall be construed to diminish the rights granted by law.

Section 2 Elected or Appointed Officers: Terms

The term of any elected or appointed officer shall begin not later than the second business day following the final determination of the election or appointment of said officer. Any officer shall serve for his or her prescribed term or until his or her successor is elected or appointed.

The Office of Treasurer, Tax Collector and Clerk may be held by duly appointed individuals even though such individuals may not be residents in the Town of Rockport during his or her term of office.

Section 3 Swearing in Officers

Every Town officer or official shall be sworn to the faithful discharge of the duties incumbent upon him/her to the Constitution and laws of the State of Maine, and the Charter and ordinances of the Town, and shall be sworn to support the Constitution of the United States and the Constitution of the State of Maine.

State Law Reference: Title 30-A, MRSA, Section 2526(9)

Oath of Office

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

"I, _____, do solemnly swear (or affirm) that I will support the Constitutions of the United States and the state of Maine, so long as I shall continue a citizen thereof, (so help me God)."

"I, _____, do solemnly swear (or affirm) that I will in all respects observe the provisions of the Town Charter and ordinances of the Town of Rockport, (so help me God)."

"I, _____, do solemnly swear (or affirm) that I will faithfully discharge all the duties incumbent upon me as _____ according to the Constitution and laws of the State, (so help me God)."

Section 4 Conflict of Interest

It is the policy of the Town of Rockport that the proper operation of democratic government requires that public officials and members of all boards and committees be independent, impartial and responsible to the citizens; that public service not be used for personal gain; and that the public have confidence in the integrity of its municipal government. The purpose and intent of this Section is to promote the objective of protecting the integrity of Town government against actual or reasonably perceived conflicts of interest without creating unnecessary barriers to public service.

This Article shall not prevent the Select Board from adopting additional procedures and standards intended to prevent the exercise or appearance of improper influence or bias in the conduct of Town business.

- A. Any official or employee of the Town with a financial or personal interest or bias for or against an applicant or application in any matter that comes before any board or committee must state, for the public record, the nature of their relationship with the person or item being discussed.
 - 1. Financial Interest means having a direct or indirect stake, or by reason of ownership of stock in any corporation, in any contract with the Town, by an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity, which is making an application to a Town board, and who is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity.
- State Law Reference: Title 30-A, MRSA, Section 2605
- 2. Personal Interest means the Town official or employee is placed in a situation of temptation to serve his or her own personal pecuniary interest to the prejudice of the interests of those for whom the law authorized and required him to act.
 - 3. Bias means any Town official or employee who is so predisposed against an applicant or project that they could not make an impartial decision, thereby depriving the applicant of due process right to a fair and objective hearing.
- B. A board member must disqualify himself or herself if a situation requires that board member to be disinterested or indifferent and the board member must make a quasi-judicial decision which involves a person to whom the board member is related by blood or marriage within the 6th degree (parents, grandparents, great-grandparents, great-great grandparents, brothers, sisters, children, grandchildren, great-grandchildren, aunts, uncles, great aunts/uncles, great-grand aunts/uncles, first cousins, first cousins once removed, first cousins twice removed, second cousins, nephews, nieces, grand nephews/nieces, great grand nephews/nieces).

State Law Reference: Title 1, MRSA, Section 71 (6)

- C. Even if no legal conflict of interest exists, a board member should avoid the appearance of a conflict by abstaining from a board's discussion and voting in order to maintain the public's confidence in the board's work.

State Law Reference: Title 30-A, MRSA, Section 2605

- D. A board member with a conflict of interest shall abstain from the discussion and from the vote. This abstention and its reason must be permanently recorded in meeting minutes.
- E. A board member who fails to abstain may be required to recuse himself by a majority vote of the board's remaining members.
- F. Any official who willfully conceals such financial interest or willfully violates the requirement of this section shall be guilty of malfeasance in office or position and shall forfeit their office or position. Violation of this section, with the knowledge express or implied of the person or corporation contracting with or making a sale to the Town, shall render the contract or sale void.

Section 5 Prohibitions

- A. No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any Town position or appointive Town administrative office, because of race, color, religious creed, national origin, gender, ancestry, age, sexual orientation, physical handicap, military status or political or religious opinions or affiliations.
- B. No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification or appointment under any personnel provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

State Law Reference: Title 5, MRSA, Chapter 337