Chapter 3

Article II - Board of Selectmen

Section 3-201 Establishment

The Board of Selectmen is established and governed by Title 30, MRSA, Section 2060.

Section 3-202 Organization

Winter Harbor has three (3) selectmen who also serve as the Overseers of the Poor. There is a separate election for assessors. The selectmen are elected according to Title 30, MRSA, Section 2060, and they elect a chairman from amongst themselves. To be eligible to be a selectman, an individual shall be at least eighteen (18) years of age, a voter in Winter Harbor, a Maine resident, and a United States citizen. The selectmen shall earn ten dollars ($10.00) a day for each day actually employed in the service of the Town unless other compensation is established by the Town at its annual meeting.

Section 3-203 Powers and Duties

The selectmen function as the municipality's executive branch and as the agent of the municipality's legislative branch, the town meeting. The duties of the selectmen are both of an administrative and judicial nature. The following are some of the Board's statutory duties and powers: the selectmen sign the town warrant, may order a referendum question with the Board's recommendation included on the ballot, and supervise election result recounts. (See Title 30, MRSA, Sections 2051, 2061(4), 2064).

The selectmen shall also certify proposed ordinances to the clerk before they are voted on by the Town; they shall appoint a registrar of voters, and they shall appoint ballot clerks. (See Title 30 MRSA, Section 2153(2), Title 21, MRSA, Section 41, and Title 30 MRSA, Section 2061(7)..

The selectmen also have the general power over municipal finances (Title 30 MRSA, Section 5001), they are the assessors (Title 36 MRSA, Section 703), they have general powers over roads and road commissioners (Title 23 MRSA, Section 2701, et seq.), they are generally the licensing authority for the Town (Title 30 MRSA, Section 2151(6), they may repair or remove dangerous buildings (Title 17 MRSA, Section 2851), they may grant licenses to carry a concealed weapon (Title 25 MRSA, Section 2031), and they may appoint and fix the compensation of law enforcement officers (Title 30 MRSA, Section 2361).

TOWN OF WINTER HARBOR

BUDGET COMMITTEE ORDINANCE

I. Authority; Repeal of Prior Ordinances

This Budget Committee Ordinance (the "Ordinance") is adopted pursuant to Article VIII, Part Second, of the Maine Constitution; 30-A M.R.S. § 3001 et seq.; and any other enabling statutes. This Ordinance repeals and replaces in its entirety any prior ordinances establishing a budget committee for the Town of Winter Harbor. Nothing in this Ordinance shall be construed to limit the authority of the Select Board or Town Manager to prepare and present the annual municipal budget to the voters, as required by Maine law. The Budget Committee will follow and adhere to all new and existing Town Policy's.

II. Purpose

The purpose of this Ordinance is to establish a Budget Committee to provide advisory recommendations to the Select Board and the voters of the Town on the annual municipal budget and to serve as advisors on other fiscal matters upon request of the Select Board.

III. Establishment; Membership

a. Establishment: A Budget Committee is hereby established for the Town of Winter Harbor.

b. Membership: The Budget Committee shall consist of five (5) regular voting members. By vote of the Town Body at the annual town meeting, the Committee also include one (1) alternate member.

c. Eligibility: All regular and alternate members of the Budget Committee must be residents and registered voters of the Town of Winter Harbor. Neither the Town Manager nor any member of the Select Board may serve as a regular or alternate voting member of the Budget Committee.

d. Method of Appointment; Vacancies

1. Initial Appointments: Initial members, and any alternate member, shall be appointed by the Town Body at the annual town meeting following adoption of this Ordinance. To establish staggered terms, the town body shall assign initial appointments as follows:

a. Two (2) members with terms ending June 30, 2027;
b. Two (2) members with terms ending June 30, 2028;

c. One (1) member with terms ending June 30, 2029;
d. One (1) alternate member with a term ending June 30, 2027.

2. Subsequent Appointments: After the initial appointments, all expiring terms shall be filled at the annual town meeting. Regular members shall serve three-year terms, and alternate member shall serve one-year terms, each beginning July 1 and ending June 30.

3. Vacancies

a. A vacancy on the Budget Committee may occur by the following means: (i) nonacceptance; (ii) resignation; (iii) death; (iv) removal by the Select Board, with or without cause; (v) permanent disability or incompetency; (vi) failure to qualify for office within ten (10) days after written demand by the Select Board; or (vii) failure to attend, without good cause, a majority of meetings in any fiscal year. The Select Board shall determine, in its discretion, whether a vacancy exists.

b. Any vacancy shall be filled by Select Board appointment for the remainder of the unexpired term.

e. Quorum: A quorum consists of three (3) voting members. The Committee may meet to discuss matters without a quorum but may not vote or issue recommendations without one. The alternate member may participate in discussions but may vote only when designated by the Chair to fill the temporary absence of a regular member for purposes of establishing a quorum.

IV. Organization and Procedures

a. Officers: At its first meeting following initial appointment, and thereafter at the first meeting of each fiscal year, the Budget Committee shall elect by majority vote a Chair, Vice-Chair, and Secretary. Officers shall serve one-year terms ending June 30.

b. Meetings: The Budget Committee shall meet at least once annually to develop and vote on its annual municipal budget recommendations. The Chair shall call all meetings and set the agenda. The Chair must call the annual meeting and any additional meeting requested by a majority of the Committee or by the Select Board. The Chair presides at meetings and serves as the official spokesperson of the Committee. In the Chair's absence, the Vice-Chair shall preside. All meetings shall comply with the Maine Freedom of Access Act. Meetings shall be open to the public, except executive sessions as permitted by law. Remote meetings must comply with the Town's remote participation policy, as amended from time to time.

c. Minutes: The Secretary shall keep minutes of all meetings and records of all votes. Copies shall be distributed to all members and filed with the Town Clerk for public inspection. The Town Manager will include the committees agendas and minutes in the Selectboard packets for their review.

d. Rules of Procedure: The Budget Committee may adopt rules of procedure not inconsistent with this Ordinance, Town policies, or state law.

V. Powers and Duties

a. Advisory Responsibilities: The authority of the Budget Committee is strictly advisory. The Committee shall:

1. Review the annual municipal budget prepared by the Town Manager and presented to the Select Board, and provide written advisory recommendations in the form and detail required by the Select Board.
2. Review proposed capital expenditures and capital plans presented to the Select Board, and provide written advisory recommendations.
3. Review proposed supplemental appropriations or budget amendments when specifically requested by the Select Board, and provide written advisory recommendations.
4. Provide other fiscal reviews and recommendations when specifically requested by the Select Board.

b. Limitation on Authority: The Budget Committee is not responsible for preparing the annual municipal budget and shall not direct, supervise, or require meetings with the Town Manager or department heads, except as authorized by the Select Board.

c. Cooperation: The Town Manager shall provide information reasonably necessary and available for the Committee to perform its advisory functions.

VI. Framework for Development of the Annual Municipal Budget

a. The annual municipal budget shall be prepared by the Town Manager, with the assistance of department heads, and presented to the Select Board. The Town Manager shall inform the Budget Committee of budget presentation dates. The Committee is encouraged to attend.

b. The Select Board may conduct budget workshops and may direct the Budget Committee to attend and participate as an advisory body.

c. The Select Board shall refer portions or the entirety of the proposed budget to the Budget Committee for review and recommendations. Written recommendations must be submitted by the deadline established by the Select Board.

d. The Select Board shall determine the final budget to be submitted to the voters.

e. The Budget Committee's recommendations shall be printed alongside the Select Board's recommendations in warrant articles requiring action by the Town's legislative body.

VII. Legal

a. Effective Date; Amendment: This Ordinance shall take effect immediately upon adoption by majority vote of the Town's legislative body. It may be amended in accordance with applicable state law.

b. Effect of Repeal or Amendment: Repeal or amendment of any provision shall not revive a former provision unless expressly stated.

c. Severability: The provisions of this Ordinance are severable. If any portion is declared unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, the remainder shall remain in full force and effect.

Adopted April 22, 2026

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Gordon W. Harrington

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Terry D. Bickford

_____
Robert Hemenway

Chapter 3

Article V - Planning Board

Section 3-501 Establishment

Winter Harbor's Planning Board was created in 1966 according to Chapter 405 of the Maine Public Laws of 1957. According to Chapter 405 of the Public Laws of 1957, Section 61, a municipality could establish a planning board for the purpose of municipal development.

Section 3-502 Organization

The Board shall consist of 5 members and 2 associate members who are elected at the annual town meeting. The members shall serve staggered five-year terms. The Board shall elect a chairman and a secretary from amongst themselves. A selectman may not be a member or an associate member of the Board. An associate member may attend all meetings of the Board and participate in its proceedings, but may vote only when he has been designated by the chairman to act for a member. When a member is unable to act because of interest, physical incapacity or absence from the state, the planning board chairman shall designate an associate member to act in his stead. When there is a permanent vacancy, the selectmen shall appoint a person to serve for the unexpired term.

Section 3-503 Powers and Duties

The Board has the power to prepare, adopt, and amend a comprehensive plan containing its recommendations for the development of the municipality. A municipality which has a planning board may raise or appropriate money and may contract with the state and federal governments for purposes of comprehensive planning. The Board may hire personnel and obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose of municipal development. The planning board may also prepare a zoning ordinance and such ordinances as are necessary to regulate the subdivision of land. Further powers are outlined in Title 30 MRSA, Section 4961.

Chapter 3

Article IX - Winter Harbor School District Trustees

Section 3-901 Establishment

The Trustees for the District are established under the criteria set forth in Title 20 MRSA, Section 352.

Section 3-902 Purpose

The Trustees are organized in order to supervise the operation of the specific grade levels of the school system and they represent the municipality in the settling of educational policies.

Section 3-903 Organization

The School District Trustees are elected at the Town Meeting and the three (3) Trustees serve staggered three (3) year terms. (30 MRSA, Section 352). Trustee vacancies shall be temporarily filled by appointment by the municipal officers of the town where the former Trustee resided until a successor Trustee is elected for the unexpired portion, if any, of the term, at the next annual Town Meeting in said town.

Section 3-904 Powers and Duties

The powers and duties of the Trustees are set forth in Title 20, MRSA, Section 353. Generally, the Trustees are empowered to oversee the creation of a community school district while the actual running of the schools, with regard to teachers, salaries, and courses of studies, is left to the School Committee.