

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 1140

H. P. 825

House of Representatives, February 1, 1961

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Lane of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Amending Charter of City of Waterville.

Be it enacted by the People of the State of Maine, as follows:

P. & S. L., 1883, c. 416; 1887, c. 195, §§ 1-7, 11-15, 17, 18, 20-22, repealed and replaced. Sections 1 to 6, section 7 as amended by chapter 80 of the private and special laws of 1955 and by chapter 73 of the private and special laws of 1957, section 11, sections 12 and 13, as repealed and replaced by sections 3 and 4 of chapter 56 of the private and special laws of 1945, sections 14 and 15, section 17 as repealed and replaced by section 5 of chapter 56 of the private and special laws of 1945, section 18 and sections 20 to 22, all of chapter 195 of the private and special laws of 1887, are repealed and the following enacted in place thereof:

ARTICLE I

Grant of Powers to the City.

Sec. 1. Incorporation. The inhabitants of the City of Waterville, in the County of Kennebec, within the corporate limits as now established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "City of Waterville."

Sec. 2. Form of government. The municipal government provided by this charter shall be known as the "mayor-council" government. Pursuant to its provisions and subject only to the limitations imposed by the State Constitution, state statutes and by this charter, all powers of the city shall be vested in the mayor, who shall execute the laws and administer the government of the city, and an elective council, hereinafter referred to as "the council", which shall enact local legislation and determine policies.

Sec. 3. Powers of city. The city shall have all the powers granted to municipal corporations by the Constitution and statutes of this State together with all the implied powers necessary to carry into execution all the powers granted. The city may acquire property, real or personal, for any city purpose, in fee simple, or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, hold, manage and control such property as its interests may require; and except as prohibited by the Constitution or statutes of this State or restricted by this charter, the city may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

ARTICLE II

The Mayor

Sec. 4. Qualifications. The mayor shall be an inhabitant of the city and a registered voter therein.

Sec. 5. Salary. The annual salary of the mayor shall be \$2,500 until changed by ordinance. No increase or decrease of the mayor's salary shall be effective during the term of the incumbent mayor, nor shall any ordinance affecting the mayor's salary be passed by the council between the date of a general city election and the ensuing inauguration of the mayor.

Sec. 6. Powers. The mayor shall be the chief executive officer and head of the administrative branch of the city government. The mayor shall:

(1) Preside at the meetings of the city council, but shall have only a casting vote.

(2) Recommend such measures as the business and interests of the city, in his opinion, require, to the council.

(3) Veto any law, act, ordinance, resolve or order, excepting rules or orders of a parliamentary character, which does not meet with his approval. If the mayor disapproves of any such measure, he shall return it with his written objections, at the next session of the council, which shall proceed to reconsider the same. If, upon such reconsideration, it shall be passed by a vote of 2/3rds of the members of the council, it shall have the same validity as if signed by the mayor.

(4) Have the power to veto any severable portion of any appropriation order, without affecting the validity of the remainder of the order. The mayor's veto and council reconsideration shall be exercised as set forth in subsection (3).

(5) Call special meetings of the council, when necessary, by notice in a newspaper printed in the city, or by causing a summons or notification to be given in hand, or left at the usual dwelling place of each member thereof.

(6) Supervise the conduct of all non-elective city officials and employees.

Sec. 7. Vacancy in office of mayor. In case of any vacancy in the office of mayor, the chairman of the council shall exercise all the powers and perform all the duties of the office so long as such vacancy shall exist. The chairman

of the council shall continue to have a vote in the council, but he shall not have the veto power.

Sec. 8. Administrative assistant, qualifications. An administrative assistant shall be chosen by the mayor, without the necessity of confirmation by the council, solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, municipal administration. He may be discharged on notification by the mayor. At the time of his appointment, he need not be a resident of the city or State, but during his tenure of office he shall reside within the city.

Sec. 9. Administrative assistant. The administrative assistant shall perform the duties of a purchasing agent, a budget officer and any other properly delegable supervisory, administrative or executive function within the scope of the mayor's powers, which the mayor encharges him with.

ARTICLE III The Council

Sec. 10. Number; term. The council shall have 11 members, 4 of whom shall be elected from the city at large, and 7 of whom shall be elected from the wards. They shall serve for a period of 2 years or until their successors have been elected and taken office as provided in Article IV, section 20.

Sec. 11. Qualifications. Councilmen shall be inhabitants of the city and registered voters therein.

Sec. 12. Salary. Councilmen shall be paid \$5 for each council meeting actually attended. No salary increase shall be effective during the current term in which it is approved by ordinance.

Sec. 13. Chairman. After the organization of a city government and the qualification of a mayor, and when a quorum of the council shall be present, the council, with the mayor presiding, shall proceed to choose a chairman. The chairman shall preside at all meetings of the council in the absence of the mayor. In the absence of the mayor and the chairman of the council, the council shall choose a chairman, pro tempore, who shall exercise the powers of a permanent chairman.

Sec. 14. Powers. All legislative powers shall be vested in the council. Without limitation to the foregoing, the council shall have power to:

- (1) Prepare the budget of the city.
- (2) Exercise all powers of appointment, nomination and confirmation previously held by the board of aldermen and common council in joint convention, by the board of aldermen individually, or the members of the board of aldermen in their capacity as municipal officers, or overseers of the poor.
- (3) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs.
- (4) Remove any non-elective city official for good cause by a 2/3rds vote of the council.

Sec. 15. Vacancies. Vacancies in the council shall be filled by special election. Councilmen elected from individual wards shall not be disqualified to act as such, upon moving from the ward from which they were elected, so long as they reside within the city.

Sec. 16. Induction of council into office; meetings of council. The first meeting of each newly elected council, for induction into office, shall be held at 10 o'clock in the morning on the first Tuesday of January next following its election, after which the council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once each month. All meetings of the council shall be open to the public.

Sec. 17. Council to be judge of 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 the production of records, but the decision of the council in any such case shall be subject to review by the courts.

Sec. 18. Rules of procedure; journal. The council shall determine its own rules and order of business. It shall keep a journal of its proceedings and the journal shall be open to public inspection.

Sec. 19. City clerk. The council shall elect an officer of the city, who shall have the title of city clerk, shall give notice of its meetings, shall keep the journal of its proceedings, shall authenticate by his signature and record in full in a book kept for the purpose all ordinances and resolutions and shall perform such other duties as shall be required by this charter or by ordinance.

ARTICLE IV

Elections.

Sec. 20. Election; procedure. The mayor, and 4 councilmen at large, shall be elected by the inhabitants of the city, voting in their respective wards. One councilman, a warden, a clerk and one constable shall be elected by each ward, being residents in the ward where elected. All said officers shall be elected by ballot by a plurality of the votes given, and shall hold their offices for 2 years from the first Tuesday in January, and until others shall be elected and qualified in their places.

Sec. 21. Biennial election. On the first Monday in December, biennially, the qualified electors of each ward shall ballot for mayor, 4 councilmen at large, one councilman from each individual ward, a warden, a clerk and one constable, on one ballot. The ward clerk, within 24 hours after such election, shall deliver to the persons elected certificates of their election, and shall forthwith deliver to the city clerk a certified copy of the record of such election, a plain and intelligible abstract of which shall be entered by the city clerk on the city records. If the choice of any ward officer is not effected on that day, the meeting shall be adjourned to another day, not more than 2 days thereafter, to complete such election, and may so adjourn, from time to time, until the election is complete. The council shall, as soon as conveniently may be, examine

the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor by a plurality of the votes given in all the wards, to be notified in writing of his election; but if it shall appear that no person shall have been elected, or if the person elected shall refuse to accept the office, the said council shall issue their warrants for another election; and in case the citizens shall fail on a 2nd ballot to elect a mayor, the council shall, from the 4 highest candidates voted for at the 2nd election and returned, elect a mayor for the ensuing 2 years. In case of a vacancy in the office of mayor by death, resignation or otherwise, it shall be filled for the remainder of the term by a new election in the manner hereinbefore provided for the choice of said officer. The oath or affirmation prescribed by this act shall be administered to the mayor by the city clerk or any justice of the peace in said city, and a certificate thereof filed with the clerk and recorded.

Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after the adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the City of Waterville at any special state election or any special city election held before December 30, 1961, which special election may be called for that purpose by an appropriate article inserted in the warrant for such special election or elections in the manner prescribed by law for notifying and calling special elections. For the purposes of such election, the city clerk shall reduce the subject matter of this act to the following question: "Shall 'An Act Amending the Charter of the City of Waterville', passed by the 100th 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. If a majority of the qualified voters of the city vote in favor of the acceptance of this act, it shall become operative upon the inauguration and induction of the new administration on the first Tuesday of January, 1962.

The result of the vote shall be declared by the municipal officers of the City of Waterville and due certificate thereof shall be filed by the city clerk with the Secretary of State.