

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 428

S. P. 152

In Senate, January 17, 1963

Referred to Committee on Municipal Affairs. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Boardman of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Amending Charter of City of Calais.

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

Sec. 1. P. & S. L., 1947, c. 172, Art. II, § 1, amended. The 5th paragraph of section 1 of Article II of chapter 172 of the private and special laws of 1947 is repealed and the following enacted in place thereof:

‘The said city shall be divided for election purposes into not less than 3 wards and not more than 7 wards, the exact number and boundaries to be determined by the city council from time to time as is deemed necessary and in such manner as to preserve as nearly as convenient an equal number of inhabitants in each ward.’

Sec. 2. P. & S. L., 1947, c. 172, Art. II, § 1, amended. The last paragraph of section 1 of Article II of chapter 172 of the private and special laws of 1947, as enacted by section 1 of chapter 121 of the private and special laws of 1955, is amended to read as follows:

‘The city council shall have the power to submit to the electors of the city of Calais such ordinances, orders and resolves as they see fit for approval or rejection by a referendum vote of said electors, except that the regular annual budget or appropriation ordinance shall not be submitted to the said electors as hereinbefore provided. The city council shall designate the date of the referendum, which shall in any event be within 30 days after the enactment by the council of any ordinance, order or resolve which is subject to such referendum. The city clerk shall prepare the required ballots, on which he shall reduce the subject matter to the following question: “Shall the proposed ordinance, order or resolve as applicable) ~~a copy of which is hereto attached~~

entitled (here insert descriptive title of ordinance, order or resolve) as heretofore published, be adopted?" and the electors shall indicate by a cross (X) or check mark (V) placed against the words "Yes" or "No" their opinion of the same. In all such referendum elections the ordinance, order or resolve to be voted upon shall, in its entirety, be published at least once prior to said vote in a newspaper published in the City of Calais and a copy of said ordinance, order or resolve shall be posted in each of the voting places in said City of Calais on the date of any such referendum vote.'

Sec. 3. P. & S. L., 1947, c. 172, Art. II, § 2, repealed and replaced. Section 2 of Article II of chapter 172 of the private and special laws of 1947, as amended by section 2 of chapter 121 of the private and special laws of 1955, is repealed and the following enacted in place thereof:

'Sec. 2. Term of office. The city council shall consist of 7 members. One of said members shall be a resident of the ward including that section of the city known as Red Beach and one of said members shall be a resident of the ward including that section of the city known as Milltown. All 7 members shall be elected by and from the qualified voters of the City of Calais for a term of 2 years from the 2nd Monday in April next following the date of their election and shall serve until their successors are elected and qualified.'

Sec. 4. P. & S. L., 1947, c. 172, Art. II, § 4, repealed and replaced. Section 4 of Article II of chapter 172 of the private and special laws of 1947 is repealed and the following enacted in place thereof:

'Sec. 4. Vacancy, how filled. In case of the death, resignation or removal from office of any member of the city council and of a vacancy caused thereby more than 6 months prior to the next regular municipal election, the vacancy shall be filled by a majority vote of the remaining members of the city council, provided nevertheless that no person shall be so elected to fill a vacancy except by receiving the votes of at least 4 of the remaining members of the city council. Said vacancy or vacancies shall be filled within 30 days of occurrence and if the city council shall fail for any reason to fill the vacancy or vacancies within that period and the next regular election of the city will not occur for more than 6 months after the expiration of said 30-day period, then the same shall be filled by a special election, the warrant for which shall, upon vote of the city council, be issued by a member of the city council so designated. A person so elected by the city council shall serve only until the next regular municipal election but a person elected at a special election called for the purpose shall serve during the unexpired term of the member he replaces.'

Sec. 5. P. & S. L., 1947, c. 172, Art. II, § 8, additional. Article II of chapter 172 of the private and special laws of 1947, as amended, is further amended by adding a new section 8, to read as follows:

'Sec. 8. Council not to interfere in appointments. Neither the city council nor any of its committees or members shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except

for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately.'

Sec. 6. P. & S. L., 1947, c. 172, Art. III, § 1, amended. Section 1 of Article III of chapter 172 of the private and special laws of 1947, as repealed and replaced by section 4 of chapter 121 of the private and special laws of 1955, is amended to read as follows:

'**Sec. 1. Number of members; terms of office.** The superintending school committee, hereinafter called the school committee, shall consist of ~~3~~ 5 members who shall be elected by the qualified voters of the city in the following manner: At the first election following the adoption of this amendment to the charter, the voters shall elect ~~one member for 1 year, one member for 2 years, and one member for 3 years, and each succeeding year there shall be elected one member of the school committee to serve for a term of 3 years~~ 2 members for terms of 3 years and one member for a term of 2 years. At succeeding elections the voters shall elect either one or 2 members as the case may be to maintain said school committee with a total of 5 members, each serving a 3-year term.'

Sec. 7. P. & S. L., 1947, c. 172, Art. III, § 5, amended. Section 5 of Article III of chapter 172 of the private and special laws of 1947 is amended to read as follows:

'**Sec. 5. Vacancies, how filled.** Whenever, from any cause, a vacancy in the school committee shall occur, said vacancy shall be filled ~~at the next annual election, or the city council may call a special election~~ by a majority vote of the city council and the person so elected shall serve only until the next regular municipal election.'

Sec. 8. P. & S. L., 1947, c. 172, Art. IV, § 3, amended. Section 3 of Article IV of chapter 172 of the private and special laws of 1947 is amended to read as follows:

'**Sec. 3. Nomination of candidates to be by petition.** The nomination of all candidates for elective offices provided for by this chapter shall be by petition. The petition of candidates for warden and for ward clerk shall be signed by not less than 10 nor more than 30 qualified voters of the ward in which said candidates are residents. The petition of each candidate for member of the city council, and member of the school committee shall be signed by not less than ~~100~~ 50 nor more than ~~125~~ 75 qualified voters ~~of the city~~. No voter shall sign petitions for more than one candidate for each office to be filled at the election and should he do so his signature shall be counted only upon the first petition filed, and shall be void upon all other petitions.'

Sec. 9. P. & S. L., 1947, c. 172, Art. IV, § 5, amended. Section 5 of Article IV of chapter 172 of the private and special laws of 1947 is amended to read as follows:

'**Sec. 5. Nomination petitions to be assembled into one petition; validity.** The

nomination petitions for any one candidate shall be assembled and united into one petition and filed with the city clerk not earlier than ~~30~~ 40 nor later than ~~14~~ 20 days before the day of election. No nomination shall be valid unless the candidate shall file with the city clerk in writing, not later than ~~14~~ 20 days before the day of election, his consent accepting the nomination, agreeing not to withdraw, and, if elected, to qualify.'

Sec. 10. P. & S. L., 1947, c. 172, Art. V, § 5, amended. The first sentence of section 5 of Article V of chapter 172 of the private and special laws of 1947 is amended to read as follows:

'The city manager shall be appointed for an indefinite term but may be removed by a majority vote of the members of the council ~~or by the method herein-after provided.~~

Sec. 11. P. & S. L., 1947, c. 172, Art. V, § 6-A, amended. The first sentence of section 6-A of Article V of chapter 172 of the private and special laws of 1947, as amended by section 5 of chapter 138 of the private and special laws of 1949, is further amended to read as follows:

'The procedure to effect the removal of a member of the school board, ~~or a member of the city council or the city manager~~ shall be as follows: A petition signed by voters entitled to vote for a successor to the incumbent, equal in number to at least 25% of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person to be removed, shall be filed with the city clerk; provided that the petition sent to the council shall contain a general statement on the grounds for which the removal is sought.'

Sec. 12. P. & S. L., 1947, c. 172, Art. V, § 11, amended. The first sentence of section 11 of Article V of chapter 172 of the private and special laws of 1947 is amended to read as follows:

'The first city council to be elected under this chapter shall appoint 3 assessors of taxes, for one, 2 and 3 years respectively from the 2nd Monday in April ~~next following their election,~~ and until their successors are appointed and qualified.'

Sec. 13. P. & S. L., 1947, c. 172, Art. VII, § 2-A, additional. Article VII of chapter 172 of the private and special laws of 1947, as amended, is further amended by adding a new section 2-A, to read as follows:

'**Sec. 2-A. Investigation by council or city manager.** The council, the city manager, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, agency or officer of the city and to make investigations as to municipal affairs and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence ordered under this section shall constitute a misdemeanor and shall be punished by a fine of not more than \$50, or by imprisonment for not more than 60 days, or by both.'

Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the qualified voters of the City of Calais at any regular or special election to be held before December 31, 1964.

Such special election shall be called, advertised and conducted according to the law relating to municipal elections; provided that the board of registration in the City of Calais shall not be required to prepare for posting, nor the city clerk to post, a new list of voters; and for the purpose of registration of voters said board shall be in session the 3 secular days next preceding such election, the first 2 days thereof to be devoted to registration of voters, and the last day to enable the board to verify the corrections of said lists and to complete and close up its records of said sessions.

The city clerk shall reduce the subject matter of said act to the following questions:

1. To empower the city council to fix the number of wards at not more than 7 and not less than 3.
2. To provide for the filling of vacancies until the next regular election on the city council by the remaining members of the city council.
3. To provide for the increase in membership on the superintending school committee from 3 to 5 members, all elected for 3-year terms.
4. To provide for filling of vacancies until the next regular election on school committee by vote of the city council.
5. To provide for nomination of candidates for city council and superintending school committee by filing of nomination petitions containing the names of not less than 50 nor more than 75 qualified voters.
6. To authorize the city clerk to place on municipal referendum ballots a descriptive title of the matter to be voted upon.
7. To prohibit the city council from interfering with the administrative appointments of the city manager and from issuing orders to his subordinates.
8. To authorize the city council, any council committee or city manager to investigate the conduct of city officials or departments with the power of subpoena.
9. To eliminate the provision relating to the removal from office of the city manager by petition and recall election.
10. To provide that nomination petitions for municipal office shall be filed with the city clerk not earlier than 40 days nor later than 20 days before the day of election.
11. To provide that the terms of assessors shall begin on the 2nd Monday in April, 1964.

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

The provisions of this charter, as they relate to nominating and electing officers, shall become effective immediately, and the other provisions of said charter shall become effective on the 2nd Monday of April 1964, only if the majority of the votes cast by the legal voters of said city are in favor of the acceptance of this act; provided that the total number of votes cast for and against the acceptance of this act equals or exceeds 20% of the total vote for all candidates for Governor in said city at the next previous gubernatorial election.

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