

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

SENATE

NO. 149

In Senate, March 4, 1919.

On motion by Mr. Davies of Cumberland voted to recommit to Committee on Judiciary and 750 copies ordered printed.

P. F. CRANE, Secretary.

Presented by Mr. Corliss of Bath.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND NINETEEN

AN ACT to Simplify the Revision of City Charters.

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

Section 1. The following words and phrases as used
2 in this act, shall, unless a contrary intention clearly ap-
3 pears, have the following meanings, respectively:

The phrase "regular municipal election" shall mean the
2 annual election of municipal officer for which provision
3 is made in this act.

The words "officer," "officers" and "administrative offi-
2 cers," when used without further qualification or descrip-
3 tion, shall mean any person or persons in charge of any
4 department or division of the city. The said words when

5 used in contrast with a board or members of a board, or
6 with division heads, shall mean any of the persons in sole
7 charge of a department of the city.

The word "ordinance" shall mean a vote or order of the
2 mayor and city council entitled "ordinance" and designed
3 for the permanent regulation of any matter within the jur-
4 isdiction of the mayor and city council as laid down in this
5 act.

The term "registered voter" shall mean a voter qualified
2 to vote for the elective officers within whose rights and
3 powers the proposed measure would fall under this act.

The commission manager form of government for which
2 this act is constructed shall mean a city government and
3 legislative body composed of a mayor and four councillors
4 and an administrative officer called the city manager, whose
5 powers and duties shall be defined in the new charter to
6 be submitted to the voters of any city desiring to adopt this
7 form of government. The number of councillors may be
8 regulated in the new charter presented.

Sect. 2. Any city, which shall adopt in the manner here-
2 inafter prescribed the plan of government provided in this
3 act, shall thereafter be governed by the provisions thereof ;
4 and the inhabitants of such city shall continue to be a
5 municipal corporation under the name existing at the time
6 of such adoption and shall have, exercise and enjoy all
7 of the rights, immunities, powers and privileges, and shall
8 be subject to all the duties, liabilities and obligations pro-

9 vided for herein, or otherwise pertaining to or incumbent
10 upon the said city as a municipal corporation.

Sect. 3. None of the legislative powers of a city shall be
2 abridged or impaired by the provisions of this act, but all
3 such legislative powers shall be possessed and exercised
4 by such body as shall be the legislative body of the city
5 under the provisions of this act.

Sect. 4. All ordinances, resolutions, orders or other regu-
2 lations of a city or of any authorized body or official there-
3 of existing at the time when such city adopts the plan of
4 government set forth in this act, shall continue in full
5 force and effect until annulled, repealed, modified or super-
6 seded.

Sect. 5. Until superseded under the provisions of this
2 act, the organization of the executive and administrative
3 departments and the powers and duties of the officers and
4 employees of any city adopting the plan provided for in
5 this act and the fiscal year of such city shall remain as
6 constituted at the time of the adoption of this plan: but
7 the mayor and city council or other legislative bodies may
8 at any time by ordinance not inconsistent with general laws
9 reorganize, consolidate, or abolish departments, in whole
10 or in part; may transfer the duties, powers and appropria-
11 tions of one department to another, in whole or in part;
12 may establish new departments; and may increase, reduce,
13 establish or abolish salaries of heads of departments or
14 members of boards. Nothing in this section contained

15 shall authorize any action in conflict with the civil service
16 law such as are existing and the rules and regulations
17 made thereunto.

Sect. 6. The territory of the city adopting the plan of
2 government provided in this act shall continue to be divided
3 into the same number of wards existing at the time of such
4 adoption or as provided for in the new charter.

Sect. 7. At any time not less than thirty days after the
2 passage of this act a petition addressed to the council or
3 other legislative body of any city, in the form and signed
4 and certified as provided in the next section may be filed
5 with the city clerk, who shall present the same to the city
6 council or other legislative body. The petition shall be
7 signed by qualified voters of the city to a number equal at
8 least to ten per cent of the registered voters at the state
9 election next preceding the filing of the petition.

Sect. 8. The petition shall be substantially the following
form:

“To the City Council or other Legislative Body of the
2 City of :.....:

We, the undersigned, qualified voters of the city, respect-
2 fully petition your honorable body to cause to be submit-
3 ted to a vote of the voters the following question:

“Shall the city of adopt the form of govern-
2 ment defined as commission manager and consisting of
3 government by a mayor and councillors with a city man-
4 ager according to the provisions of chapter of the

5 General Acts of the years nineteen hundred and nineteen
6 entitled 'an Act to simplify the revision of city charters?'"

The petition may be in the form of separate sheets, each
2 sheet containing at the top thereof the heading above set
3 forth and when attached together and offered for filing
4 several papers shall be deemed to constitute one petition
5 and there shall be endorsed thereon the name and address
6 of the person presenting the same for filing.

Sect. 9. Within five days after the petition shall have
2 been filed with him, the city clerk shall transmit a certi-
3 fied copy thereof to the city council or other legislative
4 body of the city except that the signatures upon the peti-
5 tion need not be copied but in place thereof the city clerk
6 shall state the number of signatures of registered voters
7 thereon certified as such by the registrars of voters. If
8 the petition shall have been filed with the city clerk, or if,
9 in case a summary proceeding has been instituted and final
10 decree thereon has been made in favor of the sufficiency
11 of the petition, not less than one month prior to a regular
12 state election, the question or questions proposed by the
13 petition shall duly be submitted upon the official ballot
14 to a vote of the registered voters of the city at such regular
15 state elections.

Sect. 10. If a majority of the total number of votes cast
2 at a regular state election for and against the adoption
3 of the plan of government provided for in this act shall
4 be in favor of its adoption, the provisions of this act, so

5 far as applicable to the form of government under the
6 plan adopted by the city, shall supersede the provisions of
7 its charter and of the general and special laws relating
8 thereto and inconsistent herewith, but not, however, until
9 officers provided for under this plan shall have been duly
10 elected and their terms of office shall have begun. The
11 officers provided for under the plan adopted shall be elected
12 in accordance with the provisions of the new charter re-
13 lating to this plan and in accordance with the provisions
14 of section fourteen of this act, and the terms of office shall
15 begin at ten o'clock in the forenoon of the first Monday of
16 January following their election.

Sect. 11. Should a majority of the votes cast be against
2 the adoption of the plan proposed another petition propos-
3 ing the same plan may be filed six months thereafter.

Sect. 12. Should the plan of government provided for
2 in this act be adopted the plan shall continue in force for
3 the period of at least four years after the beginning of
4 the terms of office of the officials elected thereunder; and
5 no petition proposing a different plan shall be filed during
6 the period of three years and six months after the period of
7 such adoption.

Sect. 13. It shall be the duty of the mayor, the alderman,
2 and the common council, the city council or other legisla-
3 tive body and the city clerk in office when this plan of
4 government set forth in this act has been adopted by the
5 qualified voters of any city, or is proposed for adoption,

6 to comply with all requirements of this act, relating to such
7 proposed adoption and to the election of the officers speci-
8 fied in the plan, to the end that all things may be done which
9 are necessary for the nomination and election of the offi-
10 cers first to be elected under the provisions of this act and
11 the plan adopted.

Sect. 14. The first city election next succeeding the adopt-
2 tion of any of the plans provided for by this act shall take
3 place on the third Tuesday of December next succeeding
4 such adoption, and thereafter the city election shall take
5 place annually on the Tuesday next following the first Mon-
6 day of December and the municipal year shall begin and
7 end at ten o'clock in the morning of the first Monday in
8 January in each year.

Sect. 15. No primary or caucus for municipal officers
2 shall be held. Candidates for mayor, councillors and the
3 school committee shall be nominated in accordance with
4 the provisions of the new charter.

Sect. 16. On the first Monday in January at ten o'clock
2 in the forenoon the mayor elect and the councillors shall
3 meet and be sworn to the faithful discharge of their duties.
4 The oath may be administered by the city clerk or by any
5 justice of the peace and a certificate that such oath has
6 been taken shall be entered on the journal of the city council.

Sect. 17. Except as is especially provided in this section
2 the legislative powers of the city council may be exercised
3 as provided by ordinance or rule adopted by it.

No. 1. Every member of the council shall have the right
2 to vote on any question coming before it. A majority of
3 the council shall constitute a quorum and the affirmative
4 vote of a majority of all the members of the council shall
5 be necessary to adopt any motion, resolution or ordinance.

No. 2. The city council shall from time to time establish
2 rules for its proceedings. All legislative sessions shall be
3 open to the public. A full and accurate journal of the
4 proceedings of the council shall be kept and the same shall
5 be open to the inspection of any registered voter of the
6 city.

No. 3. The council may by a majority vote elect a city
2 clerk to hold office for the term of one year or as may be
3 provided in the new charter. His duties are to be defined
4 in the new charter.

Sect. 18. The city council at any time may request from
2 the mayor specific information on any municipal matter
3 within its jurisdiction, and it may request him to be pres-
4 ent to answer written questions relating thereto at a meet-
5 ing to be held not earlier than one week from the date of
6 the receipt by the mayor of said question.

Sect. 19. No ordinance shall be passed finally on the date
2 on which it is introduced, except in cases of special emer-
3 gency involving the health or safety of the people or their
4 property.

Sect. 20. All official bonds, recognizances, obligations,
2 contracts and all other instruments entered into or exe-

3 cuted by or to the city before this act takes effect in any
4 city, and all taxes, special assessments, fines, penalties, for-
5 feitures, incurred or imposed due or owing to the city,
6 shall be enforced and collected and all writs, prosecutions,
7 actions and causes of actions, except as is herein otherwise
8 provided, shall continue without abatement and remain un-
9 affected by this act; and no legal act done by or in favor
10 of the city shall be rendered invalid by its adoption of
11 the plan of government provided for by this act.

Sect. 21. It shall be unlawful for the mayor or for a
2 member of the city council or school committee or for any
3 officer or employee of the city directly or indirectly to
4 make a contract with the city or to receive any commis-
5 sion, discount, bonus, gift, contribution, or reward from,
6 or any share in the profits of any person or corporation
7 making or performing such contract unless the mayor,
8 such member, officer or employee, immediately upon learn-
9 ing of the existence of such contract, or that such con-
10 tract is proposed, shall notify in writing the mayor, city
11 council or school committee, of the nature of his interest
12 in such contract, and shall abstain from doing any official
13 act on behalf of the city in reference thereto. In case of
14 such interest on the part of an officer whose duty it is
15 to sign such contract on behalf of the city the contract
16 may be signed by any other of the city duly authorized
17 thereto by the mayor, or if the mayor has such interest
18 by the city clerk: provided, however, that when a con-

19 tractor with the city is a corporation or a voluntary stock
20 association, the ownership of less than five per cent of
21 the stock or shares actually issued shall not be considered
22 as involving an interest in the contract within the meaning
23 of this section, and such ownership shall not affect the
24 validity of the contract unless the owner of such stock or
25 shares is also an officer or agent of the corporation or as-
26 sociation, or solicits or takes part in the making of the
27 contract.

A violation of any provision of this section shall render
2 the contract in respect to which such violation occurs void-
3 able at the option of the city. Any person violating the
4 provisions of this section shall be punished by a fine of
5 not more than one thousand dollars or by imprisonment
6 for not more than one year, or by both such fine and im-
7 prisonment.

Sect. 22. A petition meeting the requirements hereinafter
2 provided and requesting the city council to pass an ordi-
3 nance, resolution, order or vote, or requesting the school
4 committee to pass a resolution, order or vote, all these
5 terms being hereinafter included in the term "measure."
6 therein set forth or designated shall be termed an initiative
7 petition, and shall be acted upon as hereinafter provided.

Sect. 23. Signatures to initiative petitions may not be
2 all on one paper. With each signature to the petition shall
3 be stated the residence of the signer, giving the street and
4 number if any. The city clerk shall transmit the said

5 certificate showing that the percentage of the total number
6 of registered voters is correct along with the petition to
7 the city council or to the school committee accordingly
8 as the petition is addressed, and at the same time shall send
9 a copy of said certificate to one or more of the persons des-
10 ignated as filing the same.

Sect. 24. The personnel election and duties of the school
2 committee shall be as provided in the new charter.

Sect. 25. Upon the adoption by the city in the manner
2 prescribed by this act of the commission management form
3 of government said plan shall become operative as pro-
4 vided in the foregoing sections and its powers of govern-
5 ment shall be exercised as prescribed herein.

Sect. 26. Any section in this act may be amended in
2 the new charter covering the afore mentioned form of gov-
3 ernment, which charter is to be voted upon by the registered
4 voters of any city.