

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 319

H. P. 837

House of Representatives, Feb. 4, 1931.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Picher of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTY-ONE

AN ACT Relating to the Charter of the City of Waterville.

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

Section 1. P. & S. L., 1887, c. 195, sec. 6; relating to compensation of subordinate officers, amended. Section six, chapter one hundred and ninety-five of the private and special laws of one thousand eight hundred and eighty-seven, is hereby amended by inserting in place thereof the following:

'Sect. 6. The compensation of all subordinate city officers whatsoever, shall be fixed by the city council. All officers of the health department shall be appointed by nomination by the mayor and confirmation by the aldermen, and may be removed by them for good cause. All other subordinate officers shall be elected by joint convention of the city council, and such officers may be removed for good cause, by concurrent vote passed in each branch by the assent of two-thirds of all the members thereof. Except as otherwise specially provided in this act or by the laws of the state of Maine, all subordinate officers shall be elected biennially on the first Monday of January, or as soon thereafter as may be, and their term of office shall be for two years and until others are qualified in their place. All vacancies may be filled by the board having authority to elect.'

Sect. 2. P. & S. L., 1887, c. 195, sec. 8; relating to assessors

of taxes, and assessment and collection of taxes, amended. Section eight, chapter one hundred and ninety-five of the private and special laws of eighteen hundred and eighty-seven, is hereby amended by inserting in place thereof the following:

'Sect. 8. The board of assessors shall consist of three members and shall be elected on the second Monday in March in the manner hereinafter provided. Each member shall hold office for a term of three years. The present assessors shall continue in office until their term as heretofore provided, expires. The city council shall appoint an assistant assessor in each ward, whose duty it shall be to furnish the assessors with all the necessary information relative to persons and property taxable in his ward; he shall be sworn or affirmed to the faithful performance of his duty. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this state relative to town taxes, except as herein modified, and the city council may establish further or additional provisions for the collection thereof, and of interest thereon.'

Sect. 3. P. & S. L., 1887, c. 195, sec. 12; relating to election of mayor, aldermen, and other ward officers, amended. Section twelve, chapter one hundred ninety-five of the private and special laws of eighteen hundred and eighty-seven, is hereby amended by striking out all of said section twelve and inserting in place thereof, the following:

'Sect. 12. The mayor and the board of police, as provided in chapter eighty-six of the public laws of 1927 shall be elected by the inhabitants of the city, voting in their respective wards. One alderman, two common councilmen, a warden, a clerk, one member of the board of education, 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 plurality of the votes given, and shall hold their offices two years from the first Monday in January (except that all said officers elected at the first biennial election to be held after this act has taken effect as hereinafter provided, shall assume and hold their offices from the second Monday in March, following said first biennial election, until the first Monday in January, in the second calendar year thereafter,) and until others shall be elected and qualified in their places.

(a) All city and ward officers shall be held to discharge the duties of the offices to which they have been respectively

elected notwithstanding their removal after their election out of their respective wards into any other wards in the city, but they shall not be so held after they have taken up their permanent residence out of the city.'

Sect. 4. P. & S. L., 1887, c. 195, sec. 13; relating to election of city government. Section thirteen, chapter one hundred and ninety-five, of private and special laws of eighteen hundred and eighty-seven is hereby amended by striking out all of said section and inserting in place thereof the following:

'Sect. 13. On the second Monday in December, biennially, after this act has taken effect as hereinafter provided the qualified electors of each ward shall ballot for mayor, a member of the board of police, as provided in chapter eighty-six of the public laws of 1927, one alderman, two common councilmen, a warden and clerk, a member of the board of education, (in accordance with provisions hereinafter prescribed in section sixteen, as amended) and one constable, on one ballot. The ward clerk, within twenty-four 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 two days thereafter, to complete such election, and may so adjourn from time to time, until the election is complete. The board of aldermen 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 so elected, or if the person elected shall refuse to accept the office, the said board shall issue their warrants for another election; and in case the citizens shall fail on a second ballot to elect a mayor, the city council in convention shall, from the four highest candidates voted for at the second election and returned, elect a mayor for the ensuing year; and 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. The aldermen and common councilmen elect, shall on the first Monday in January, at ten o'clock in the forenoon, meet in convention, when the oath or affirmation required by the second section of this act shall be administered to the members of the two boards present, by the mayor or any justice of the peace, after which the board of common council shall be organized by the election of a president and clerk (except that the first organization meeting after the first biennial election to be held on the second Monday of December, after this act has taken effect as hereinafter provided, shall be held on the second Monday of March, following said first biennial election). The city council shall, by ordinance, determine the time of holding stated or regular meetings of the boards, and shall also, in like manner, determine the manner of calling special meetings and the persons by whom the same shall be called, but until otherwise provided by ordinance, special meetings shall be called by the mayor, by causing a notification to be left at the usual residence or place of business of each member of the board or boards, to be convened.'

Sect. 5. P. & S. L., 1901, c. 383; repealed. P. & S. L., 1887, c. 195, sec. 16; relating to powers and duties of board of education amended. Chapter three hundred eighty-three of the private and special laws of nineteen hundred and one, is hereby repealed; section sixteen of chapter one hundred ninety-five of the private and special laws of eighteen hundred eighty-seven is hereby amended by adding at the end thereof, the following:

'If this act is approved, as hereinafter provided, on the second Monday of September, nineteen hundred and thirty-one, the members of the board of education from wards five, six and seven, to be elected on the second Monday of December, nineteen hundred and thirty-one to take their seats on the first Monday of March, nineteen hundred and thirty-two, shall hold their office until the first Monday in January, nineteen hundred and thirty-four; the members of the board of education, elected on the second Monday of March, nineteen hundred and thirty, from wards one and two, shall hold their office until the first

Monday in January, nineteen hundred and thirty-four; and the members of the board of education elected on the second Monday of March, nineteen hundred and thirty-one from wards three and four, shall hold their office until the first Monday of January, nineteen hundred and thirty-six; and at each biennial election, members for those wards shall be chosen by those wards whose members' terms are about to expire and the term of office shall be two years. In case of a vacancy, a member may be chosen by the ward in which the vacancy exists to fill the unexpired term. If this act is approved at an election held later than the second Monday of September, nineteen hundred and thirty-one, then the date of election and term of office of the members of the board of education shall be determined by the municipal officers in accordance with the manner above provided as to said election and term of office,' so that said section as amended, shall read as follows:

'Sect. 16. Terms of office of members of board of education from various wards fixed. The board of education, elected as hereinbefore provided, shall take the place of the superintending school committee, and perform all its duties and be invested with all its rights and powers. The board shall elect a chairman annually, and appoint some suitable person, not a member of the board, superintendent of schools, and may adopt such rules and regulations for the management of the schools as are not inconsistent with the laws of the state. The superintendent shall be the secretary and executive agent of the board, which shall fix his salary, to be paid from the city treasury as salaries of teachers are paid, and may remove him for good cause and appoint a successor.

If this act is approved, as hereinafter provided, on the second Monday of September, nineteen hundred and thirty-one, the members of the board of education from wards five, six and seven, to be elected on the second Monday of December, nineteen hundred and thirty-one to take their seats on the first Monday of March, nineteen hundred and thirty-two, shall hold their office until the first Monday in January, nineteen hundred and thirty-four; the members of the board of education, elected on the second Monday of March, nineteen hundred and thirty, from wards one and two, shall hold their office until the first Monday in January, nineteen hundred and thirty-four;

and the members of the board of education elected on the second Monday of March, nineteen hundred and thirty-one from wards three and four, shall hold their office until the first Monday of January, nineteen hundred and thirty-six; and at each biennial election, members for those wards shall be chosen by those wards whose members' terms are about to expire and the term of office shall be two years. In case of a vacancy, a member may be chosen by the ward in which the vacancy exists to fill the unexpired term. If this act is approved at an election held later than the second Monday of September, nineteen hundred and thirty-one, then the date of election and term of office of the members of the board of education shall be determined by the municipal officers in accordance with the manner above provided as to said election and term of office.'

Sect. 6. This act shall not take effect unless approved by a majority of those voting upon the question of its approval at a general or special election, held on the second Monday of September, provided it shall be so approved before January first in the year of our Lord, one thousand nine hundred and thirty-six, and the municipal officers of the city of Waterville shall issue their warrant calling said election at least seven days before the date appointed by them for said election.