

MAINE STATE LEGISLATURE

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N I N E T Y - F O U R T H L E G I S L A T U R E

Legislative Document

No. 1199

H. P. 1840

House of Representatives, March 2, 1949

Referred to the Committee on Legal Affairs, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Hall of Calais.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Amending the Charter of the 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. Section 1 of Article II of chapter 172 of the private and special laws of 1947 is hereby amended by repealing the 3rd paragraph thereof.

Sec. 2. P. & S. L., 1947, c. 172, Art. II, § 2, amended. The 2nd sentence of section 2 of Article II of chapter 172 of the private and special laws of 1947 is hereby amended to read as follows:

'All 7 members shall be elected by and from the qualified voters of the city of Calais for a term of ~~2~~ 4 years from the 2nd Monday in April next following the date of their election and shall serve until their successors are elected and qualified; except that at the 1st election after the adoption of this charter, the 3 candidates having the largest number of votes shall serve for 4 years, and the 4 candidates having the next largest number of votes shall serve for 2 years and until their successors are elected and qualified.'

Sec. 3. P. & S. L., 1947, c. 172, Art. V, § 1, amended. Section 1 of Article V of chapter 172 of the private and special laws of 1947 is hereby amended to read as follows:

Sec. 1. Boards and officers. There shall be the following administrative boards and officers:

(A) The following boards and officers shall be appointed by ballot by a majority vote of the members of the city council: city manager, city clerk, assessors of taxes, city solicitor, ~~chief of police, secretary to overseers of the poor,~~ health officer, whose term of office and duties shall be as provided under section 34 of chapter 22 of the revised statutes of 1944; and 2 members of the board of registration ~~under as provided in~~ chapter 3, section 11 of the revised statutes.

(B) The following officers shall be appointed by the city manager, subject to confirmation by the city council: city treasurer, collector of taxes, **chief of police, overseer of the poor, auditor controller,** chief of the fire department and inspector of fires, superintendent of fire alarms and inspector of electrical wiring, road commissioner, inspector of buildings, superintendent of sewers, inspector of plumbing, milk inspector, ~~not more than 6~~ constables, and all other officers and employees the appointment of whom is not otherwise provided for by this charter or by ordinance.'

Sec. 4. P. & S. L., 1947, c. 172, Art. V, § 2, amended. The last sentence of section 2 of Article V of chapter 172 of the private and special laws of 1947 is hereby amended to read as follows:

'Appointive officers and boards whose terms are specified in this charter shall be removable by the city council upon written charges, notice and hearing, if upon such hearing they are adjudged guilty of the charges preferred appointing officer or power for cause.'

Sec. 5. P. & S. L., 1947, c. 172, Art. V, § 5, amended. The 1st sentence of section 5 of Article V of chapter 172 of the private and special laws of 1947 is hereby 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 hereinafter provided.'

Sec. 6. P. & S. L., 1947, c. 172, Art. V, § 6, repealed. Section 6 of Article V of chapter 172 of the private and special laws of 1947 is hereby repealed.

Sec. 7. P. & S. L., 1947, c. 172, Art. V, § 6-A, amended. The 1st sentence of section 6-A of Article V of chapter 172 of the private and special laws of 1947 is hereby amended to read as follows:

'The procedure to effect the removal of a member of the school board, or

the city ~~manager~~ **council**, or both, 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. 8. P. & S. L., 1947, c. 172, Art. V, § 7, sub-§ (c), amended. Subsection (c) of section 7 of Article V of chapter 172 of the private and special laws of 1947 is hereby amended to read as follows:

'(c) To make appointments **and removals** as provided in this charter.'

Sec. 9. P. & S. L., 1947, c. 172, Art. VI, § 1, amended. Section 1 of Article VI of chapter 172 of the private and special laws of 1947 is hereby amended to read as follows:

'**Sec. 1. Accounts; how kept.** Full and accurate accounts of all the departments of the city shall be kept. The city manager shall prescribe the forms of such accounts. Said accounts, however, shall be kept in such manner as to show fully at all times the financial condition of the city and of each department thereof. The ~~auditor~~ **controller** of accounts shall furnish to the city manager prior to the regular monthly meeting of the city council in each month a detailed report showing receipts and disbursements of the city on all accounts and also showing expenditures made and obligations incurred during the preceding calendar month. Said ~~auditor~~ **controller** of accounts shall also furnish the city manager a balance sheet showing the financial condition of the city and of the several funds, together with the unexpended balance to the credit of each department.'

Sec. 10. P. & S. L., 1947, c. 172, Art. VI, § 3, amended. The 1st sentence of section 3 of Article VI of chapter 172 of the private and special laws of 1947 is hereby amended to read as follows:

'The ~~auditor~~ **controller** of accounts shall publish each month a statement of the financial condition of the city.'

Sec. 11. P. & S. L., 1947, c. 172, Art. VI, § 3, sub-§ (b), amended. Subsection (b) of section 3 of Article VI of chapter 172 of the private and special laws of 1947 is hereby amended to read as follows:

'(b) Expenditures classified according to ~~objects~~ **functions**.'

Sec. 12. P. & S. L., 1947, c. 172, Art. VI, § 4, amended. The 1st sentence of section 4 of Article VI of chapter 172 of the private and special laws of 1947 is hereby amended to read as follows:

‘On or before ~~April~~ **May** 1st of each year, the city manager shall submit to the city council budget estimates for the ensuing fiscal year.’

Sec. 13. P. & S. L., 1947, c. 172, Art. VI, § 8, amended. Section 8 of Article VI of chapter 172 of the private and special laws of 1947 is hereby amended to read as follows:

‘**Sec. 8. Payments.** Money shall be paid out only on warrants on the city treasury, issued by the ~~auditor~~ **controller** and countersigned by the city manager and a member of the city council to be designated from time to time by said city council.

The ~~auditor~~ **controller** shall examine all pay rolls, bills and other claims and demands against the city, and shall issue no warrant for payment until he finds that the claim is in proper form, correctly computed, duly certified and legally due and payable, **and funds legally available.**

The ~~auditor~~ **controller** may require any claimant to make oath to the validity of his claims, may investigate any claim, and for such purpose or purposes may examine witnesses under oath.’

Sec. 14. P. & S. L., 1947, c. 172, Art. VII, § 2, amended. The 2nd sentence of section 2 of Article VII of chapter 172 of the private and special laws of 1947 is hereby amended to read as follows:

‘No such officer or employee ~~except a policeman or fireman~~ shall accept or receive from any person, firm or corporation acting under a franchise or license from the city, any frank, free pass, free ticket, or free service, or accept, directly or indirectly, from any such person, firm or corporation, any service upon terms more favorable than those granted to the public generally.’