

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1155

S. P. 428

In Senate, February 26, 1953.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Boucher of Androscoggin by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Amending the Charter of the City of Lewiston.

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

Sec. 1. P. & S. L., 1939, c. 8, Art IV, § 2, amended. Section 2 of article IV of chapter 8 of the private and special laws of 1939, as repealed and replaced by section 2 of chapter 86 of the private and special laws of 1943 and as amended by chapter 208 of the private and special laws of 1951, is hereby further amended by repealing the 2nd sentence thereof.

Sec. 2. P. & S. L., 1939, c. 8, Art. VIII, § 4, amended. Section 4 of article VIII of chapter 8 of the private and special laws of 1939 is hereby amended to read as follows :

'Sec. 4. General supervision over finances. The board of finance shall have general supervision ~~and full control~~ over the several departments of the city so far as it relates to their financial transactions, records and auditing and to the receiving and disbursement of monies.'

Sec. 3. P. & S. L., 1939, c. 8, Art. VIII, § 11, amended. Section 11 of article VIII of chapter 8 of the private and special laws of 1939 is hereby amended to read as follows :

'Sec. 11. Shall be purchasing agency. They shall constitute the gen-

eral purchasing agency of the city for all materials, equipment, supplies, land, buildings and organized services. They ~~may upon application from any department of the city and under such conditions and restrictions as they may impose authorize such department to purchase any such materials, supplies or other articles as may be made use of only in that department~~ shall honor all requests for purchases made by the several departments provided such purchases would be included in the budget.'

Sec. 4. P. & S. L., 1939, c. 8, Art. XVI, § 2, repealed and replaced. Section 2 of article XVI of chapter 8 of the private and special laws of 1939, as amended by section 28 of chapter 86 of the private and special laws of 1943, is hereby repealed and the following enacted in place thereof:

'**Sec. 2. Eligibility for appointment.** Any registered voter in the city of Lewiston may be appointed to the various boards and commissions.'

Sec. 5. P. & S. L., 1939, c. 8, Art. VIII, § 1, repealed and replaced. Section 1 of article VIII of chapter 8 of the private and special laws of 1939 is hereby repealed and the following enacted in place thereof:

'**Sec. 1. Members of board of finance.** The board of finance shall consist of 5 members to be appointed by the mayor and 1 of whom shall be a member of the city council to be designated by the mayor. The designated alderman shall serve for 1 year and the other appointed members shall serve for 4 years, except that at the time of appointing the 1st board, the mayor shall designate the member whose term shall expire at the expiration of each period of 1 year for 4 years thereafter. The designated alderman shall have a vote and shall receive \$5 for attendance at each meeting, but not to exceed \$200 for any 1 term of office. Such compensation shall be in addition to such alderman's compensation as a member of the council.'

Sec. 6. P. & S. L., 1939, c. 8, Art. X, § 1, repealed and replaced. Section 1 of article X of chapter 8 of the private and special laws of 1939 is hereby repealed and the following enacted in place thereof:

'**Sec. 1. Appointment of members.** The affairs of the department of public works shall be administered by a board of 5 members to be appointed by the mayor and 1 of whom shall be a member of the city council to be designated by the mayor. The designated alderman shall serve for 1 year and the other appointed members shall serve for 4 years, except that at the time of appointing the 1st board, the mayor shall designate the member whose term shall expire at the expiration of each period of 1 year for 4 years thereafter. The designated alderman shall have a vote and shall receive \$5 for attendance at each meeting, but not to exceed \$200 for any

1 term of office. Such compensation shall be in addition to such alderman's compensation as a member of the council. Vacancies occurring in the board shall be filled by appointment by the mayor for the unexpired term; provided that if no appointment be made for the period of 1 month after the vacancy occur, it shall be filled by the remaining members of the board.'

Sec. 7. P. & S. L., 1939, c. 8, Art. XI, § 1, repealed and replaced. Section 1 of article XI of chapter 8 of the private and special laws of 1939, as amended, is hereby repealed and the following enacted in place thereof:

'Sec. 1. Police department; how constituted. The police department shall consist of a police commission of 5 members, hereinafter in this article referred to as the commission, to be appointed by the mayor and 1 of whom shall be a member of the city council to be designated by the mayor. The designated alderman shall serve for 1 year and the other appointed members shall serve for 4 years, except that at the time of appointing the 1st board, the mayor shall designate the member whose term shall expire at the expiration of each period of 1 year for 4 years thereafter. The designated alderman shall have a vote and shall receive \$5 for attendance at each meeting, but not to exceed \$200 for any 1 term of office. Such compensation shall be in addition to such alderman's compensation as a member of the council.

In addition to the commission, the police department shall consist of a chief of police, 2 captains of police, 1 captain of detectives, 2 lieutenants of police, 1 police matron, 1 police clerk and such number of patrolmen, not to exceed 1 for each 900 of the population of the city, as the commission shall deem necessary, the entire personnel of which as existing at the present time shall continue subject to the provisions hereinafter contained. The commission may appoint such number of patrolmen as they shall deem necessary to act as detectives. The commission may employ such other employees of the department as it shall deem necessary, prescribe their duties, set their compensation subject to the approval of the board of finance, and terminate their employment at pleasure.'

Sec. 8. P. & S. L., 1939, c. 8, Art. XI, § 2, repealed and replaced. Section 2 of article XI of chapter 8 of the private and special laws of 1939, as amended, is hereby repealed and the following enacted in place thereof:

'Sec. 2. Vacancies in commission, how filled. In the event of a vacancy in the commission, the mayor shall appoint a successor for the unexpired portion of the term; provided that if no appointment be made for a period

of 1 month after the vacancy occur, it shall be filled by the remaining members of the commission.'

Sec. 9. P. & S. L., 1939, c. 8, Art. XII, § 2, repealed and replaced. Section 2 of article XII of chapter 8 of the private and special laws of 1939, as amended, is hereby repealed and the following enacted in place thereof:

'Sec. 2. Fire department, how constituted. The affairs of the fire department shall be administered by a fire commission of 5 members to be appointed by the mayor and 1 of whom shall be a member of the city council to be designated by the mayor. The designated alderman shall serve for 1 year and the other appointed members shall serve for 4 years, except that at the time of appointing the 1st board, the mayor shall designate the member whose term shall expire at the expiration of each period of 1 year for 4 years thereafter. The designated alderman shall have a vote and shall receive \$5 for attendance at each meeting, but not to exceed \$200 for any 1 term of office. Such compensation shall be in addition to such alderman's compensation as a member of the council. Vacancies in the commission shall be filled by appointment by the mayor for the unexpired term; provided that if no appointment be made for a period of 1 month after the vacancy occur, it shall be filled by the remaining members of the commission.'

Sec. 10. P. & S. L., 1939, c. 8, Art. XIII, § 2, repealed and replaced. Section 2 of article XIII of chapter 8 of the private and special laws of 1939, as amended, is hereby repealed and the following enacted in place thereof:

'Sec. 2. Appointment of members. The board of education shall consist of 5 members to be appointed by the mayor and 1 of whom shall be a member of the city council to be designated by the mayor. The designated alderman shall serve for 1 year and the other appointed members shall serve for 4 years, except that at the time of appointing the 1st board, the mayor shall designate the member whose term shall expire at the expiration of each period of 1 year for 4 years thereafter. The designated alderman shall have a vote and shall receive \$5 for attendance at each meeting, but not to exceed \$200 for any 1 term of office. Such compensation shall be in addition to such alderman's compensation as a member of the council. Vacancies occurring in the board shall be filled by appointment by the mayor for the unexpired term; provided that if no appointment be made for a period of 1 month after the vacancy occur, it shall be filled by the remaining members of the board.'

Sec. 11. P. & S. L., 1939, c. 8, Art. XIV, § 1, repealed and replaced. Section 1 of article XIV of chapter 8 of the private and special laws of 1939 is hereby repealed and the following enacted in place thereof:

'Sec. 1. Administration of affairs. The affairs of the department of health and welfare shall be administered by a board of 5 members to be appointed by the mayor and 1 of whom shall be a member of the city council to be designated by the mayor. The designated alderman shall serve for 1 year and the other appointed members shall serve for 4 years, except that at the time of appointing the 1st board, the mayor shall designate the member whose term shall expire at the expiration of each period of 1 year for 4 years thereafter. The designated alderman shall have a vote and shall receive \$5 for attendance at each meeting, but not to exceed \$200 for any 1 term of office. Such compensation shall be in addition to such alderman's compensation as a member of the council. Vacancies in the board shall be filled by appointment by the mayor for the unexpired term; provided that if no appointment be made for a period of 1 month after the vacancy occur, it shall be filled by the remaining members of the board.'

Sec. 12. P. & S. L., 1939, c. 8, Art. XV-A, § 1, repealed and replaced. Section 1 of article XV-A of chapter 8 of the private and special laws of 1939, as enacted by chapter 174 of the private and special laws of 1951, is hereby repealed and the following enacted in place thereof:

'Sec. 1. Appointment of members. The zoning board shall consist of 5 members to be appointed by the mayor and 1 of whom shall be a member of the city council to be designated by the mayor. The designated alderman shall serve for 1 year and the other appointed members shall serve for 4 years, except that at the time of appointing the 1st board, the mayor shall designate the member whose term shall expire at the expiration of each period of 1 year for 4 years thereafter. The designated alderman shall have a vote and shall receive \$5 for attendance at each meeting, but not to exceed \$200 for any 1 term of office. Such compensation shall be in addition to such alderman's compensation as a member of the council. Vacancies occurring in the board shall be filled by appointment by the mayor for an unexpired term; provided that if no appointment be made for a period of 1 month after the vacancy shall occur, it shall be filled by the remaining members of the board.'

Local referendum; effective date. 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 Lewiston at a special election

called and held for the purpose in the month of August, 1953. Such special election shall be called, advertised and held according to the law relating to municipal elections; provided, however, that the board of registration shall not be required to prepare 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 to be devoted to the registration of voters and the last day to enable the board to verify the corrections of said lists and to complete and close up their records of said sessions. A check list shall be used at such election. The city clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall 'An Act Amending the Charter of the City of Lewiston', passed by the 96th legislature, be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. The result shall be declared by the municipal officers and due certificate thereof filed by the city clerk with the secretary of state.

This act shall take effect for all the purposes hereof on inauguration day, 1954, upon its acceptance by a majority of the legal voters voting at said election; provided that the total number of votes cast for and against the acceptance of this act at said election equals or exceeds 20% of the total vote for all candidates for governor cast in said city at the next previous gubernatorial election.