

MAINE STATE LEGISLATURE

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

Legislative Document

No. 120

H. P. 112

House of Representatives, January 20, 1955.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Couture of Bath.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT to Amend the Charter of the City of Bath.

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

Sec. 1. P. & S. L., 1947, c. 82, c. II, § 211, amended. Section 211 of chapter II of chapter 82 of the private and special laws of 1947 is hereby amended to read as follows :

'Sec. 211. Qualifications. Councilmen shall be qualified electors of the ward in the city in which they are a candidate for office and remain inhabitants of the city during their term of office. **No councilman shall represent any ward of the city other than that ward of which he is a qualified elector.** They shall hold no office of emolument or profit under the city charter or ordinances ; nor shall they participate directly or indirectly in any commercial transaction with any office, department or agency of the city whatsoever during their term of office. If a councilman shall cease to possess any of these qualifications or shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant.'

Sec. 2. P. & S. L., 1947, c. 82, c. III, § 309, amended. Section 309 of chapter III of chapter 82 of the private and special laws of 1947 is hereby amended to read as follows :

'Sec. 309. Board of fire engineers and fire escape inspectors. The manager shall appoint for indefinite term a board of engineers of the fire department consisting of a fire chief, first assistant and second assistant ~~who shall be responsible to the manager for the administration of the fire department and who shall have all the power and authority that fire wards now have.~~

The fire chief shall be inspector of chimneys and heating apparatus and shall enforce the statutes relating thereto.

It shall be the duty of the board of fire engineers to enforce the regulations of the public laws relating to fire escapes and other safeguards for the protection of life. **The fire chief shall be responsible to the city manager for the administration of the fire department.**

Sec. 3. P. & S. L., 1947, c. 82, c. V, § 501, repealed and replaced. Section 501 of chapter V of chapter 82 of the private and special laws of 1947, as amended by section 16 of chapter 3 of the private and special laws of 1949 and by section 7 of chapter 177 of the private and special laws of 1951, is hereby repealed and the following sections, to be numbered 501 and 501-A to 501-F, inclusive, enacted in place thereof:

'Sec. 501. Division of assessment. The city manager shall appoint for an indefinite term, subject to confirmation by the city council, an officer of the city titled city tax assessor, who shall be responsible administratively to the city manager. The powers, duties and responsibilities conferred or imposed by law upon a board of assessors are hereby granted to the city tax assessor. The city tax assessor may appoint, with the consent of the city manager, such number of assistant assessors as public necessity requires. The employment of such assistant assessors shall not extend beyond the period of the municipal year during which they are appointed. The salary of the city assessor and of such assistant assessors as may be employed by the city shall be fixed by the city council.

All clerical help in the office of the city tax assessor shall be appointed by the city manager and shall work under the direction and supervision of the city tax assessor, except that the city manager shall have the authority to transfer, for temporary periods, such clerical help from the city tax assessor's office to any other department of the city, when in his judgment the same is necessary and beneficial for the proper administration of municipal business.

Sec. 501-A. Board of assessment review; appointment; vacancies. There shall be a board of assessment review to consist of 3 members who shall be elected by a majority vote of the city council for a term of 3 years, except that of those first elected after the effective date of this amendment, one shall be for a term of 2 years and one for a term of one year; thereafter, each member shall be elected for a full term of 3 years. The city council shall fix the compensation, if any, to such members in such manner as the city council may deem suitable and proper. Vacancies in the membership of such board shall be filled by election by a majority of the city council for the unexpired term caused by such vacancy.

Sec. 501-B. Board of assessment review; qualifications. All members of such board shall be selected on the basis of their knowledge of the subject of taxation and property values and shall, at the time of their election, have been residents of the city of Bath for at least 5 years immediately preceding their election and shall continue as residents of the city of Bath during their terms of office. If a member of such board shall cease to be a resident of the city of Bath, his office shall thereby become vacant. No member of the board shall

hold any other public office except that of notary public, justice of the peace or member of the National Guard or naval or military service.

Sec. 501-C. Board of assessment review; powers and duties. The board of assessment review shall have the power to: (1) review all complaint of property owner's assessments for the purpose of taxation of real property and personal property within the city of Bath made by the city assessor, and alter such assessments as in their judgment are excessive, improper or illegal; (2) administer oaths; (3) hold hearings; (4) take testimony; (5) adopt regulations regarding the procedure of assessment review.

Such board shall annually choose from its membership a chairman. The clerk in the office of the city assessor shall serve as secretary to such board without additional compensation. Such board shall have power within the limits of its budget appropriation to employ such other necessary clerical assistants and to employ or contract for such technical assistants as may be necessary from time to time in the performance of its duties. The board shall be required to keep an accurate record of all its proceedings, which shall be available for public inspection.

Sec. 501-D. Public hearing on complaints. The city tax assessor, on or before the 15th day of June of each fiscal year, shall present to the city manager an assessment roll of the property taxable within the city under his hand, together with a true copy thereof to be known as the assessor's duplicate. The city manager shall make the assessment roll available each year for public inspection, after public notice during a 2-week period prior to the 1st day of July. Beginning on such date as it may announce by publication in a newspaper published in Bath or circulated in said city, prior to the 16th day of June of each fiscal year, and as long thereafter as may be necessary, the board of assessment review shall be in session as often as it is necessary to hold hearings and shall hear and determine the complaint of any person in relationship to the assessment roll. Complaints to the board of assessment review shall be in writing and under oath, but the procedure before such board shall be informal and any evidence of a nature calculated to promote a fair and just assessment shall be admissible without regard to the legal rules of evidence. Hearings upon complaints shall be held in the order received and as promptly after the filing thereof as possible and the decision of the board of assessment review shall be made within 20 days after such hearing. Such determination shall be immediately certified in writing by the secretary of the board to the city assessor, whose duty it shall be to make such corrections upon the assessment roll and duplicate as the board may determine. Provided, however, that no complaint shall be considered by the board unless the complainant has complied with the provisions of section 36 of chapter 92 of the Revised Statutes of 1954.

Sec. 501-E. Appeal to courts. Appeal from the decision of the board of assessment review may be taken as provided by law to a court of competent jurisdiction and filed with said court not later than 30 days after the certificate of such decision has been made to the city assessor.

Sec. 501-F. Tax abatements. The city assessor shall have the power to make tax abatements in accordance with the law. Tax abatements made by the city assessor, other than those certified by the board of assessment review, shall be (1)

approved by the city manager and (2) reported in writing to the city council at its regular monthly meeting next held after the date such abatement has been made, and no such tax abatement shall become effective until after it has been reported to the city council as herein provided. Such report to the city council shall state, in the case of each such abatement, the name of the taxpayer, the type and location of the property involved, the amount of the original assessment, the amount of abatement and the reason therefor.'

Sec. 4. P. & S. L., 1947, c. 82, c. V, § 502, sub-§§ (2) and (4), amended. Subsections (2) and (4) of section 502 of chapter V of chapter 82 of the private and special laws of 1947 are hereby amended to read as follows:

~~'(2) Compile the capital estimates for the budget for the city manager;~~

(4) Maintain a general accounting system for the city government and each of its offices, departments and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which shall show the amount of the appropriation, the amounts paid therefrom ~~from the unpaid obligations against it and the unencumbered balance;~~ require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as he may deem expedient;'

Sec. 5. P. & S. L., 1947, c. 82, c. V, § 503, amended. Section 503 of chapter V of chapter 82 of the private and special laws of 1947 is hereby amended to read as follows:

'Sec. 503. Work programs; allotments. Before the beginning of the budget year, the head of each office, department or agency shall submit to the city manager, when required by him, a work program for the year, which program shall show the requested allotments of the appropriations for such office, department or agency ~~by monthly periods~~ for the entire budget year. The city manager shall review the requested allotments in the light of the work program of the office, department or agency concerned, and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriation available to said office, department or agency for the budget year.'

Sec. 6. P. & S. L., 1947, c. 82, c. V, § 508, amended. Section 508 of chapter V of chapter 82 of the private and special laws of 1947 is hereby amended to read as follows:

'Sec. 508. Appropriations lapse at end of year. All appropriations, **except appropriations for capital improvements**, shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered, except as otherwise specifically required by general law or agreement concerning moneys granted to the city of Bath by the State of Maine or other unit of government. **Appropriations for capital improvements and all accumulations thereon or any portion thereof may lapse by majority vote of the city council.'**

Sec. 7. P. & S. L., 1947, c. 82, c. V, § 515, amended. Section 515 of chapter V of chapter 82 of the private and special laws of 1947, as amended by sec-

tion 19 of chapter 3 of the private and special laws of 1949, is hereby further amended to read as follows:

Sec. 515. Emergency appropriations. At any time in any budget year, the council may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditure to protect the public health, safety or welfare. Such appropriation shall be by resolution adopted by the favorable votes of at least $\frac{2}{3}$ of all elected members of the council, and shall be made only upon recommendation of the city manager. The total amount of all emergency appropriations made in any budget year shall not exceed 3% of the total ~~operating~~ appropriations, **exclusive of proposed expenditures as set forth in subsection (a) to (h), inclusive, of section 625,** made in the budget for that year, except upon recommendation of the city manager and approved by unanimous vote of all the elected members of the council.'

Sec. 8. P. & S. L., 1947, c. 82, c. VIII, § 803, amended. Section 803 of chapter VIII of chapter 82 of the private and special laws of 1947 is hereby amended to read as follows:

Sec. 803. Nomination of candidates to be by petition. The nomination of all candidates for elective offices provided for by this charter shall be by petition. The petition of candidates for warden, ward clerk and ward constable shall be signed by not less than 15 nor more than 30 qualified voters of the ward in which said candidates are ~~residents~~ **qualified electors.** The petition of each candidate for member of the city council shall be signed by not less than 25 nor more than 50 qualified voters of the ward in which said candidate is a ~~resident~~ **qualified elector.** No voter shall sign petitions for more than 1 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. 82, c. VIII, § 805, amended. Section 805 of chapter VIII of chapter 82 of the private and special laws of 1947 is hereby amended to read as follows:

Sec. 805. Nomination petitions to be assembled into 1 petition; validity. The nomination petitions for any 1 candidate shall be assembled and united into 1 petition and filed with the city clerk not earlier than 60 nor later than 30 days before the day of election, **excluding Sundays and holidays. No petition shall be filed with the city clerk after 5 o'clock in the afternoon on the last day for filing such petitions as herein provided.** No nomination shall be valid unless the candidate shall file with the city clerk in writing, not later than 30 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. 82, c. VIII, § 808, amended. Section 808 of chapter VIII of chapter 82 of the private and special laws of 1947, as amended by section 16 of chapter 177 of the private and special laws of 1951, is hereby further amended to read as follows:

Sec. 808. Determination of position of names upon ballot. The position upon the ballot of the names of the candidates nominated, as hereinbefore provided,

shall be determined by ~~lot~~ **alphabetical order** and said names shall be so placed upon said ballot under the title of the office to be filled. ~~Said determination of said position by lots shall be conducted by the city clerk at which said candidates or their representatives shall be entitled to be present. Candidates shall be notified of the time and place of such drawing at least 24 hours in advance thereof.~~ The ballot shall be without party mark or designation. The name and residence of each candidate shall be given. At the right of each name shall be a square within which the voter shall place a cross (X) or check mark (✓) to designate his choice. A blank space shall be left at the end of the list of candidates for each office in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote. The ballot shall be printed substantially as follows:

(Back of the Ballot)
 "OFFICIAL BALLOT
 BATH

WARD
 Monday A. D.

(Facsimile of Signature)
 City Clerk.

(Face of the Ballot)

To vote for a candidate mark a cross (X) or check mark (✓) in the square at the right of the candidate's name and residence.

If you wrongly mark, tear or deface the ballot, return it and obtain another.

FOR MEMBERS OF CITY COUNCIL		Vote for
Name of Candidate	Residence	

FOR BOARD OF EDUCATION		Vote for
Name of Candidate	Residence	

FOR WARDEN		Vote for One
Name of Candidate	Residence	

FOR WARD CLERK		Vote for One
Name of Candidate	Residence	

FOR WARD CONSTABLE		Vote for One
Name of Candidate	Residence	

Make a cross (X) or check mark (✓) in the square at the right of your answer."