

# MAINE STATE LEGISLATURE

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## NINETY - EIGHTH LEGISLATURE

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**Legislative Document**

**No. 129**

H. P. 91

House of Representatives, January 22, 1957.

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

HARVEY R. PEASE, Clerk

Presented by Mr. Brewer of Caribou.

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### STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-SEVEN

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#### **AN ACT Relating to the Moderator, Board of Assessors, Authority of the Town Council, Board of Registration, and Secret Ballot in the Town of Caribou.**

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**Emergency preamble.** Whereas, the Town of Caribou, in the County of Aroostook, has certain obligations and liabilities which must be met as they become due, and

Whereas, it is immediately necessary that more efficient provisions be made for raising revenue and for the general government of the town, and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. P. & S. L., 1939, c. 46, § 2, sub-§ 1, amended.** Subsection 1 of section 2 of chapter 46 of the private and special laws of 1939 is hereby amended to read as follows:

'1. A moderator ~~for said meeting~~ to serve until his successor is elected and qualified, and to preside at all town meetings, except that in his absence from any meeting a moderator pro tempore may be elected to preside at such meeting.'

**Sec. 2. P. & S. L., 1939, c. 46, § 3, sub-§ (b), ¶ 6, amended.** Paragraph 6 of subsection (b) of section 3 of chapter 46 of the private and special laws of 1939 is hereby amended to read as follows:

'6. Three or 5 assessors at the option of the town council who shall serve for the ensuing year and who ~~shall~~ need not be elected from the membership of the town council.'

**Sec. 3. P. & S. L., 1939, c. 46, § 12, sub-§§ (b) and (c), amended.** Subsections (b) and (c) of section 12 of chapter 46 of the private and special laws of 1939 are hereby amended to read as follows:

'(b) The town councillors shall be overseers of the poor ~~assessors as above provided~~ and perform all duties of selectmen as required by the Revised Statutes of ~~1939~~ 1954 and amendments thereto, and be subject to the same duties in these capacities as are set forth under said statutes unless otherwise provided herein. The town councillors shall be charged with the responsibility of the administration of the town's affairs and shall act as a unit according to the majority expression of the board. **The town council shall also exercise all the powers and duties relating to town ways conferred upon the inhabitants of the town by the provisions of sections 29 to 50, inclusive, of chapter 96 of the Revised Statutes of 1954; and shall also have full and complete authority to lease, sell or otherwise dispose of any land or buildings owned by the town, however and whenever acquired, when said land or buildings are not needed for town purposes, and to make, execute and deliver proper leases and deeds of said land or buildings, upon whatever terms and conditions the town council shall deem proper.**

(c) The town council shall pass such municipal ordinances as they think necessary and proper, governed by the authority which towns have to enact ordinances under the Revised Statutes of ~~1939~~ 1954 and amendments thereto; **provided that any such ordinances shall be properly adopted if a public hearing has been held thereon after not less than 7 days' notice thereof, which notice need only contain the title of the proposed ordinance and a brief summary of its contents together with the time and place of said hearing; except that this section shall not affect the procedures established by law in section 24 of chapter 24, subsection X of section 86 of chapter 91 and section 93 of chapter 91 of the Revised Statutes of 1954 and amendments thereto.'**

**Sec. 4. P. & S. L., 1939, c. 46, § 13-A, additional.** Chapter 46 of the private and special laws of 1939, as amended, is hereby further amended by adding thereto a new section, to be numbered 13-A, to read as follows:

'**Sec. 13-A. Duties of board of registration.** The board of registration shall exercise all of the powers and perform all of the duties relative to the registration of voters and preparation of check lists which are conferred and imposed upon the town council by the laws of this State.'

**Sec. 5. P. & S. L., 1939, c. 46, § 18, amended.** Section 18 of chapter 46 of the private and special laws of 1939 is hereby amended to read as follows:

'**Sec. 18. Secret ballot.** At election of officers at the annual town meeting, except ~~that of moderator and the budget committee, who~~ which shall be elected in open town meeting by written ballot, the method of voting shall be that set forth in sections ~~40~~ 51 to ~~52~~ 63, inclusive, of chapter ~~5~~ 91 of the Revised Statutes of ~~1939~~ 1954. However, each time the word selectmen appears in said sections, for the purpose of this statute, it shall be construed to mean members of the Caribou town council.

It shall not be necessary as provided by section ~~57~~ 62 of chapter ~~5~~ 91 that the moderator be elected before balloting commences for other officers, **and the moderator elected the previous year shall be the presiding officer for the purpose of electing such officers.** However, all balloting must be completed before other business is taken up by the annual town meeting.

Any person who has qualified as a candidate under section ~~47~~ 52 cannot be disqualified under the provisions of section ~~43~~ 54.

**Emergency clause; effective date; referendum.** In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its acceptance or rejection by the legal voters of the town of Caribou at any annual or special town meeting by an article being inserted in the call for such meeting. Such vote shall be by secret ballot, and the town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall 'An Act Relating to the Moderator, Board of Assessors, Authority of the Town Council, Board of Registration, and Secret Ballot in the Town of Caribou,' passed by the 98th 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. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said meeting; provided the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for Governor in said town at the next preceding gubernatorial election.

The result of the vote shall be declared by the municipal officers of the town of Caribou and due certificate filed by the town clerk with the Secretary of State.