

MAINE STATE LEGISLATURE

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Legislative Document

No. 132

H. P. 92

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.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT to Establish Representative Town Meetings in the Town of Caribou.

Emergency preamble. Whereas, the town of Caribou has a population of approximately 14,000 inhabitants and has approximately 6,000 registered voters on its check list; and

Whereas, the high school auditorium in said town, in which town meetings are held, will admit approximately 900 people at the limit of its capacity; and

Whereas, there is no other public hall in the town of Caribou that will admit of a greater number; and

Whereas, but a small percentage of the voting population can be accommodated at a town meeting; and

Whereas, the inevitable crowding of the auditorium is detrimental to the public health and safety; and

Whereas, a great many citizens having knowledge of the above conditions refrain from attending annual town meetings; and

Whereas, a great many citizens are thereby prevented from exercising their legal rights of attending town meetings and voting therein; and

Whereas, this Act is designed to eliminate the above objectionable condition; and

Whereas, in order for said town to elect town meeting members thereunder for the annual town meeting in 1958, it is necessary that immediate steps be taken to perform the requirements of this Act; 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. Representative town meetings, established. There is hereby established in the town of Caribou the form of representative town meetings as hereinafter set forth.

Sec. 2. Districts; report of town council; meetings; voting. (a) On or before November 15, 1957 the town council shall divide the territory of the town into not less than 4 nor more than 10 districts, each of which shall be plainly designated. The districts shall be so established as to consist of compact and contiguous territory to be bounded so far as possible by the center line of known streets and ways or by other well defined limits. Their boundaries shall be reviewed, and if need be, wholly or partially revised, or the number of districts changed, within the aforesaid limits, by the town council, every 5 years thereafter, and in any year when so directed by vote of the annual representative town meeting held that year.

(b) The town council shall, on or before the 15th day of November of any year in which said districts are established, revised or changed as provided in paragraph (a) of this section, file a report of their proceedings with the town clerk, with a map or maps and descriptions of all of the districts, and cause a copy of such map or maps and descriptions of all of the districts to be posted at the municipal building, and cause to be posted in at least one public and conspicuous place in each district, a map or description of that district. The division of the town into districts, and any revision of such districts, shall take effect upon the date of the filing of the report thereof by the town council with the town clerk. In any event, the filing of such report and map or maps and descriptions with the town clerk, together with the return of the constable who posted the same as herein provided, shall be conclusive proof of compliance with this paragraph.

(c) Elections of the town meeting members for the several districts shall be held on the same day and at the same hour and at such place or places within the town as the town council shall in the warrant for such elections direct, and it shall not be necessary for the town council to take any proceedings to designate the respective polling places, other than to set forth the polling places of each district in the warrant. It shall not be necessary that the polling places for district voting be within the district; and two or more districts may vote at the same polling places, but the ballots provided for the separate districts under section 4 of this act shall be identified by the district number and/or color, and may be deposited in separate ballot boxes.

(d) The town council shall annually, during the month of December, appoint a warden, a clerk and such ballot clerks as may be necessary for each district, to act for one year from the first day of January following their appointment, or until their successors are appointed. The wardens of the several districts shall exercise all of the powers and perform all of the duties in supervising the election of town meeting members which are conferred and imposed upon the

town council in supervising state elections, and they shall refuse the vote of any person not qualified to vote.

Sec. 3. Election of town meeting members; certification of registered voters; town meeting membership; notice; qualifications; registrations. (a) At the first election of town meeting members to be held on the 4th Monday in January after the acceptance of this Act, each district shall elect 3 town meeting members for every 180 registered voters or fraction thereof, subject to the provisions of paragraph (c) of this section. The first third in each district in order of the number of votes received shall be elected to serve for three years; the second third in such order shall be elected to serve for two years; the remaining third in such order shall be elected to serve for one year; and in the event of a tie vote the term of such members shall be designated by lot, and the warden and clerk of the district shall make a certificate of such designation. All town meeting members shall serve for terms commencing on the first day of March following their election. Annually thereafter, on the fourth Monday of January, the registered voters of each district shall in like manner elect for the term of three years one town meeting member for every 180 registered voters or fraction thereof, and shall also in like manner fill for the unexpired term or terms any vacancy or vacancies then existing in the number of town meeting members in such district, subject to the provisions of paragraph (c) of this section.

(b) The town council shall, on or before the 15th day of November of any year in which said districts are established, revised or changed as provided in paragraph (a) of Section 2, certify to the town clerk the total number of registered voters in each district, and the total number of town meeting members each district is entitled to elect, and such certification shall be final.

(c) The total number of town meeting members shall in no event be more than 120 nor less than 80; if the total number of town meeting members on the basis set forth in paragraph (a) of this section would be more than 120 or less than 80, then the town council shall revise the proportion of representation so that the total number of town meeting members shall be no more than 120 nor less than 80; and the town council shall set forth such proportion in their certification to the town clerk provided for in paragraph (b) of this section.

(d) The town clerk shall after every election of town meeting members forthwith mail to each member a notice of his election.

(e) No persons shall be entitled to vote for any town meeting member unless such person is a registered voter as hereinafter provided.

(f) Every town meeting member shall be a resident and a registered voter in the district from which he is chosen at the time of the election.

(g) After the acceptance of this act, any person claiming a right to vote in said town shall register as a voter with the Board of Registration at such time or times and at such place or places as the town council may designate. The Board of Registration may on or before November 15, 1957, place on the registration lists of each district the names of any voters registered at the time of the acceptance of this Act, provided the Board of Registration has sufficient information to place the voters in their correct district. The town council shall

have authority to hire whatever clerical assistance they deem necessary for the purpose of preparing such lists.

(h) Any voter duly registered at the time of the acceptance of this Act and who has continued his residence in the town of Caribou to the date of his registration shall be entitled as a matter of right within 2 years of the acceptance of this Act to register at any time established by the town council including the day of election, by filing his registration with the Board of Registration, and no proof of qualification shall be required except proof of the fact that he was a duly registered voter at the time of the acceptance of this Act and has continued his residence in the town since that time. After a period of 2 years from the acceptance of this Act, however, all voters shall qualify for registration according to law, and such registration shall be made in all cases at the latest on the secular day preceding the election. If any voter is registered on the day of election, as above provided, the Board of Registration shall issue to him a certificate of his registration which, upon presentment to the warden of his district, shall constitute authority in the warden to enter the name of such person on the voting lists of such district. Such certificates shall be retained by the warden and filed with the check lists in the office of the town clerk.

(i) Any citizen who shall have a right to vote in the town of Caribou under Section 2 of Chapter 3 of the Revised Statutes of 1954 shall have the right to vote at the election of the town meeting members in the district where he is a resident for 3 months next preceding such election; and such right to vote shall continue for a period of 3 months after his removal therefrom; provided, however, that his name has been properly entered on the voting lists of such district,

(j) The Board of Registration may register voters at any time, but they shall be in open session on the 3 secular days next preceding the annual election of town meeting members to receive evidence of the qualifications of persons claiming a right to vote at such election, and they shall correct the list of registered voters in each district and turn the same over, together with not less than 6 copies thereof for each polling district, to the town clerk, who shall cause to be delivered to the warden of each polling district before the opening of the polls on election day not less than 4 copies of the list applicable to such district, and all provisions of law applicable to check lists for towns and wards shall apply to check lists for such polling districts. The check lists used under this Act may be used also at all other elections held in said town, subject to the provisions of the general law.

Sec. 4. Nomination of candidates; preparation and delivery of ballots; return of unused ballots. (a) Nomination of candidates for town meeting members to be elected under this Act shall be made by nomination papers which shall bear no political designation, shall be signed by not less than 10 registered voters of the district in which the candidate resides, and shall be filed with the town clerk at least 15 days before the election, provided that any town meeting member may become a candidate for re-election by giving written notice thereof to the town clerk at least 20 days before the election. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

(b) The town clerk shall prepare ballots in the manner provided in Section 55 of Chapter 91 of the Revised Statutes of 1954, except that he shall prepare a separate set of ballots for each voting district, which shall contain the names of all candidates for town meeting members from that district.

(c) The town clerk shall cause to be delivered to the warden of each voting district before the opening of the polls on the day of election the set of ballots to be used for such voting district, sealed and marked for such voting district, and a receipt of such delivery shall be returned to him from the warden, which receipt, with a record of the number of ballots sent, shall be kept in the town clerk's office for 1 year. At the opening of the polls in each polling place the seals of the packages shall be publicly broken and the packages shall be opened by the warden, and the unused ballots shall be returned to the town clerk with the check lists and certificates of registration hereinbefore provided.

Sec. 5. Resignation or disability of member; vacancy, how filled. (a) A town meeting member may resign by filing a written resignation with the town clerk and such resignation shall take effect on the date of such filing. A town meeting member who removes from the town shall cease to be a town meeting member, and a town meeting member who removes from the district from which he was elected to another district may serve only until the next annual election of town meeting members.

(b) Any vacancy in the full number of town meeting members from any district, whether arising from a failure of the registered voters thereof to elect, or from any other cause, shall be filled until the next annual election by the remaining members of the district from among the registered voters thereof. When there is such a vacancy, a notice thereof stating the number of vacancies and signed by not less than 5 town meeting members from the district shall be filed with the town clerk, who shall promptly give notice to the clerk of the district in which the vacancy or vacancies exist, and the clerk of the district shall call a meeting of all town meeting members of the district for the purpose of filling such vacancy or vacancies. The warden and clerk shall make a certificate of the choice and forthwith file the same with the town clerk, together with a written acceptance by the member or members so chosen who shall thereupon be deemed elected and qualified as a town meeting member or members.

Sec. 6. Eligible members; to receive no compensation; quorum; voting; warrant. (a) At any town meeting held under the provisions of this Act, the right to vote on all articles in the warrant, except for the election of all officers other than the budget committee, shall be limited to the town meeting members.

(b) The town meeting members as such shall receive no compensation.

(c) The town meeting members as aforesaid shall be the judges of the election and of the qualifications, according to the provisions of this Act, of their members.

(d) The majority of town meeting members from each district shall constitute a quorum for doing business, but a lesser number may organize temporarily and may adjourn from time to time.

(e) In the event of a tie vote on any procedural question, the moderator shall be entitled to cast the deciding vote; in all other matters a majority vote of the town meeting members present and voting shall be necessary.

(f) The warrant for any town meeting shall be prepared and posted in manner and form now provided by law. All town meetings shall be public. Subject to such conditions as may be determined by the members of the representative town meeting, any registered voter or taxpayer of the town who is not a town meeting member may speak at any representative town meeting, but shall not vote.

Sec. 7. Article in warrant; action on. (a) The articles in the warrant for every town meeting so far as they relate to the election of all officers, other than the budget committee, and to referenda and all matters to be acted upon and determined by ballot of the voters shall be so acted upon and determined by the registered voters of the town. All other articles in the warrant for any town meeting shall be acted upon exclusively by town meeting members.

(b) The business of any town meeting held prior to the first day of March, 1958, shall be conducted by all of the voters of the town as heretofore, and at such meetings they shall have the same authority as heretofore with reference to all matters, including authority to pass upon appropriations and money affairs for the fiscal year 1957.

Sec. 8. Interpretation of town acts. The town, after the acceptance of this act, shall continue to have the capacity to act through and to be bound by its town meeting members, who shall, when convened from time to time as herein provided, constitute representative town meetings; and the representative town meetings shall exercise exclusively so far as will conform to the provisions of this Act, and so far as will conform to the provisions of Chapter 46 of the Private and Special Laws of 1939 and amendments thereto, all powers vested in the voters of the town. Action in conformity with all provisions of law now or hereafter applicable to the transaction of town affairs in town meeting, shall, when taken by any representative town meeting in accordance with the provisions of this Act, have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town as organized and conducted before the establishment in town of representative town meeting government.

Sec. 9. Limitation. This Act shall not abridge the right of the inhabitants of the town to hold general meetings, as secured to them by the Constitution of this State; nor shall this Act confer upon any representative town meeting the power finally to commit the town to any measure affecting its municipal existence without action thereon by the voters of the town at large, using the ballot and the check list therefor.

Sec. 10. Applicability of present laws. This Act shall not affect the existing council-manager form of municipal government in the town of Caribou and all of the provisions of this Act are expressly made subject to the provisions of Chapter 46 of the Private and Special Laws of 1939 and amendments thereto. The change in form of government provided herein shall not affect the legal responsibilities and privileges of the town of Caribou, and except as herein otherwise provided, the town and the town meetings held hereunder shall be subject to the general statutes of the State of Maine.

Sec. 11. 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 submission to the legal voters of the town of Caribou at the next annual or a special town meeting to be held on or before July 1, 1957. The vote shall be taken by ballot in answer to the question: "Shall 'An Act to Establish Representative Town Meetings in the Town of Caribou,' passed by the 98th Legislature, be accepted?" The question shall be printed on the official ballot, and at said meeting the voters of said town in favoring the acceptance of this act shall vote "Yes" and those opposed shall vote "No." This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said town meeting; provided that the total number of votes cast for and against the acceptance of this act equals or exceeds 25% of the total vote for all candidates for Governor cast in said town at the next previous gubernatorial election.

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