

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the One Hundredth Legislature

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empowered to make payments to the city treasurer of Waterville of annual income or payments from the principal of such trust fund at such times and in such manners as provided in section 11.

The commission shall be authorized to alter, amend or terminate such trust upon reasonable notice to the trustee bank and may proceed to make arrangements for transfer of the funds to a successor trustee bank.

Sec. 10. Liability of commissioners. No commissioner shall be held personally liable for the loss of any of the moneys or securities in the fund except for his fraud or embezzlement in connection therewith.

Sec. 11. Accrued interest added to fund. All interest, dividends or other income earned by said fund on its investments shall, when it accrues, be added to said fund to augment the same for the purposes for which said fund is provided.

Sec. 12. Application of fund. When the total of principal and accrued interest of said fund shall substantially equal  $\frac{3}{4}$  of the outstanding bonded indebtedness of said city, then the annual interest on said fund, and so much of the principal thereof as the commissioners by and with the approval of the city council shall deem proper, shall be applied to annual reduction of the municipal bonds of said city, but always maintaining not less than \$100,000 in said fund.

Sec. 13. Other statutes not affected. Nothing herein contained shall be construed to amend, abolish, or take the place of any other sinking fund provided by statute. Nothing in this amendment shall be construed as terminating the present debt commission or altering the term of office of the present members. The commission shall have a reasonable time, but in no event later than January 1, 1962, to transfer said funds and to comply with the foregoing amendments.

Effective September 16, 1961

## Chapter 138

### AN ACT Revising the Charter of the City of Ellsworth.

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

Sec. 1. P. & S. L., 1933, c. 34, Art. II, § 2, amended. Section 2 of Article II of chapter 34 of the private and special laws of 1933 is amended to read as follows:

'Sec. 2. Terms of members. The city council shall consist of 5 members, who shall be elected at large by and from the qualified voters of the city for a term of ~~2~~ 3 years from the ~~and~~ first Monday in ~~March~~ January next following the date of their election and until their successors are elected and qualified; except that at the first election after the adoption of this ~~charter amendment~~ the ~~3~~ 2 candidates having the largest number of votes shall serve for ~~2~~ 3 years and the ~~2~~ ~~candidates~~ one candidate having the next largest number of votes shall serve for one year, and ~~until their successors are elected and qualified on the~~

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year thereafter one candidate shall be elected for 3 years and on the 3rd election after the acceptance of this amendment 2 candidates shall be elected for 3 years. Thereafter at each annual municipal election there shall be chosen at large ~~one~~ or ~~3~~ 2 members (as the case may be) of the city council to fill the office of the members of the city council whose terms of office expire that year. At the said first election of members of the city council, in the event that 2 or more candidates shall receive the same number of votes for member of the city council, the terms of office of said candidates shall be determined by lot by the city clerk after reasonable notice to said candidates by said city clerk of the time and place of said determination. Members of the city council shall serve without compensation.'

Sec. 2. P. & S. L., 1933, c. 34, Art. II, § 5, amended. The first sentence of section 5 of Article II of chapter 34 of the private and special laws of 1933 is amended to read as follows:

'The city council shall meet at the usual place for holding meetings at 10 o'clock A. M. on the ~~and first~~ Monday of ~~March~~ January next following the regular city election, at which time the councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the city clerk.'

Sec. 3. P. & S. L., 1933, c. 34, Art. III, § 1, amended. The first paragraph of section 1 of Article III of chapter 34 of the private and special laws of 1933 is amended to read as follows:

'At the first election after this charter is in force, to be held on the first Monday in March, 1934, the qualified voters of the city shall ballot for 5 councilmen, and the qualified voters of each ward shall, at the same time, ballot for a warden, and a ward clerk for his ward, and thereafter, on the ~~1st Monday in March in~~ 2nd Tuesday following the first Monday of November each year, a regular municipal election shall be held and the qualified voters of the city shall ballot for councilmen to fill the office of the councilmen whose terms of office expire that year, and the qualified voters of each ward shall, at the same time ballot for a warden, and a ward clerk for their ward.'

Sec. 4. P. & S. L., 1933, c. 34, Art. III, § 2, amended. The first sentence of section 2 of Article III of chapter 34 of the private and special laws of 1933 is amended to read as follows:

'The warden and ward clerk, chosen as provided in the preceding section, shall be residents of the ward for which they are elected and shall hold their office for one year from the ~~and first~~ Monday in ~~March~~ January following their election, and until others have been chosen and qualified in their stead.'

Sec. 5. P. & S. L., 1933, c. 34, Art. IV, § 1, sub-§ (a), amended. Subsection (a) of section 1 of Article IV of chapter 34 of the private and special laws of 1933 is amended to read as follows:

'(a) The following officers and boards shall be appointed by ballot by a majority vote of the members of the city council: City manager, city clerk, treasurer and tax collector, ~~members of the superintending school committee~~ members of the board of assessors, 2 members of the board of registration as provided under ~~section 8 of chapter 6 of the Revised Statutes of 1954, chapter 3, section 11, board of mothers' aid, city marshal, night police officer, superintendent of the city farm~~ trustees of the public library, chief engineer of the

fire department, chief of police department, who shall also be city marshal, and officers and members of the police department, all of whom with the chief of the police department shall be constables in and for the city and first and 2nd assistant engineers of the fire department.'

Sec. 6. P. & S. L., 1933, c. 34, Art. IV, § 9, amended. The first 2 paragraphs of section 9 of Article IV of chapter 34 of the private and special laws of 1933 are repealed and the following enacted in place thereof:

'The superintending school committee of the City of Ellsworth shall consist of 5 members who shall be elected at large by and from the qualified voters of the city for a term of 3 years, to be elected as follows: On the first election after the acceptance of this amendment 5 members shall be elected, the 2 candidates having the largest number of votes shall serve a term of 3 years, the candidate having the next largest number of votes for a term of 2 years and the 2 candidates having the next largest number of votes after these 3 elected for one year, thereafter one or 2 candidates shall be elected each year to fill the expired terms as the case may be. In the event of a tie vote or votes the city clerk shall draw lots to determine the winner, should there be an insufficient number of candidates to fill the positions the city council shall fill the vacancies by appointment at their next regular meeting following the election. The school committee so elected shall meet at the usual place for holding meetings at 11 o'clock A. M. on the first Monday of January at which time they will be sworn to the faithful discharge of their duties by a justice of the peace or city clerk. At their first meeting or as soon thereafter as may be, they shall elect a chairman from their group and establish a regular monthly meeting time.'

Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the qualified voters of the City of Ellsworth at the next regular city election or at a special election to be called and held for the purpose within 3 months after approval of this act. Such special election shall be called, advertised and conducted according to the law relating to municipal elections; provided that the board of registration in said City of Ellsworth shall not be required to prepare, nor the city clerk to post, a new list of voters.

The city clerk shall reduce the subject matter of this act to the following questions:

**I.** Should the date of the city election be changed to the 2nd Tuesday following the first Monday of November each year and should the term of office of the members of the city council commence the first Monday in January?

**II.** Should the term of office of the members of the city council be increased from 2 to 3 years?

**III.** Should the city offices which no longer exist be eliminated from the charter?

**IV.** Should the superintending school committee be changed to a 5-member committee to be elected by the voters of the city?

and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

The provisions of this act, as they relate to each question, shall become effective only if the majority of the votes cast by the legal voters of said city is in favor of the acceptance of such question; provided that the total number of votes cast for and against the acceptance of each question at said election equaled or exceeded 20% of the total vote for all candidates for Governor in said city at the next previous gubernatorial election. The result of the vote on each question shall be declared by the municipal officers of the City of Ellsworth and due certificate thereof shall be filed by the city clerk with the Secretary of State.

Effective September 16, 1961

## Chapter 139

### AN ACT to Annex Certain Islands to Town of Danforth.

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

**Certain Islands annexed to Town of Danforth.** The whole of Loon's Island and Moon Island in T9, R4, N. B. P. P., Washington County, with the inhabitants thereon is annexed to the Town of Danforth.

Effective September 16, 1961

## Chapter 140

### AN ACT to Authorize the Municipalities of Cushing, Friendship, St. George or Warren to Form a School Administrative District.

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

**School administrative district for Cushing, Friendship, St. George and Warren authorized.** The municipalities of Cushing, Friendship, St. George and Warren are exempted from the limitations provided in the Revised Statutes of 1954, chapter 41, section III-E, as amended, and the Maine School District Commission is authorized to proceed pursuant to said chapter 41, sections III-E-1 to III-U, to take the necessary action to allow 2 or more of the municipalities of Cushing, Friendship, St. George and Warren to form a school administrative district. Said district shall contract, pursuant to the Revised Statutes of 1954, chapter 41, section III-E-1, for the education of high school pupils.

Nothing contained herein shall be construed to limit the number of times that the above-named municipalities may make application to the Maine School District Commission, nor shall the authority granted to the Maine School District Commission under this act be limited to any specified number of times for the commission to authorize the above-named municipalities to act on the formation of a school administrative district.

Effective September 16, 1961