

# 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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KENNEBEC JOURNAL  
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1961

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**Private and Special Laws**

OF THE

**STATE OF MAINE**

As Passed by the One Hundredth Legislature

**1961**

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Sec. 2. Incorporation of Pine Tree State Forest Products Council ratified. The incorporation of the Pine Tree State Forest Products Council, located at Augusta in the County of Kennebec, in accordance with the Revised Statutes of 1954, chapter 54, is hereby ratified, approved and made valid.

Sec. 3. Copy to be recorded. A copy of this act shall be recorded in the records of the Secretary of State and of the registry of deeds of Kennebec County in the same manner as certificates of incorporation are recorded.

Effective September 16, 1961

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## Chapter 186

### 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 P. & S. L., 1947, c. 82, Chapter II, § 204, repealed and replaced. Section 204 of Chapter II of chapter 82 of the private and special laws of 1947 is repealed and the following enacted in place thereof:

'Sec. 204. Creation of other departments or offices; consolidation and combination of departments or offices; change of duties. The council, by ordinance, may create, change and abolish offices, departments or agencies, and by ordinance may consolidate and combine any and all of the offices, departments and agencies established by this charter. The council, by ordinance, may assign additional functions or duties to offices, agencies or departments established by this charter and may combine and consolidate functions or duties of such offices, agencies or departments established by this charter; but may not, by such consolidation, combination or abolition of any office, department or agency, discontinue any function provided by this charter to be performed by the City of Bath. Any provision of this charter inconsistent with the consolidation or combination of any office, agency or department of the city by ordinance of the city council is repealed.'

Sec. 2. P. & S. L., 1947, c. 82, Chapter II, § 206, repealed and replaced. Section 206 of Chapter II of chapter 82 of the private and special laws of 1947, as amended by section 3 of chapter 3 of the private and special laws of 1949, is repealed and the following enacted in place thereof:

'Sec. 206. City property; care and management. The city council shall have legal custody of all the city public buildings and lands, but the care, superintendence and management thereof shall be under the administrative direction of the manager, except as may be otherwise provided by the laws of the State or by ordinance or by the provisions of this charter.'

Sec. 3. P. & S. L., 1947, c. 82, Chapter II, § 210, repealed and replaced. Section 210 of Chapter II of chapter 82 of the private and special laws of 1947, as repealed and replaced by section 2 of chapter 174 of the private and special laws of 1955, is repealed and the following enacted in place thereof:

'Sec. 210. Number, election, term. The city council shall be composed of 9 members, each of whom shall be elected by the registered voters of the entire city. Two shall be elected at large from the registered voters of the entire city, and one shall be elected from each of the 7 wards, from the registered voters of

each ward, each of whom shall be elected by the registered voters of the entire city. Each member shall be elected for a term of 2 years and until his successor is elected and qualified, except as hereinafter provided in this section. All members of the city council elected and serving in accordance with section 2 of chapter 174 of the private and special laws of 1955 shall be deemed to be legally elected in accordance with this amendment and shall continue to serve for the terms to which they have been elected. In all elections of members of the city council, in the event that 2 or more candidates shall receive the same number of votes for members of the city council at large, or by wards, and in all elections for any office in the City of Bath under this charter when there is a tie vote, a special election shall be held not later than 30 days from the date of the determination by the city council of such tie vote, to determine the person to be elected to such office. Such special election shall be limited to candidates who received the same number of votes for such office resulting in a tie vote and no other candidates shall be eligible in such runoff election. No additional nomination papers shall be required of such candidates. The city council shall, by order, fix the date of such special runoff election as provided herein, and such election shall be conducted in all other respects in the same manner as provided herein for elections in the city of Bath.'

Sec. 3-A. P. & S. L., 1947, c. 82, chapter II, § 211, amended. The 2nd sentence of section 211 of chapter II of chapter 82 of the private and special laws of 1947, as last amended by section 1 of chapter 104 of the private and special laws of 1957, is further amended to read as follows:

'They shall not participate directly ~~or indirectly~~ in any commercial transaction with any office, department or agency of the city whatsoever during their term of office.'

Sec. 4. P. & S. L., 1947, c. 82, Chapter II, § 212, repealed and replaced. Section 212 of Chapter II of chapter 82 of the private and special laws of 1947, as last repealed and replaced by section 5 of chapter 3 of the private and special laws of 1949, is repealed and the following enacted in place thereof:

'Sec. 212. Compensation. Each member of the city council shall receive the sum of \$250 per year in full compensation for the performance of the duties of the office, the same to be paid quarterly. The chairman of the city council shall receive, in addition to the foregoing sum of \$250, the sum of \$100 as compensation for the additional duties performed as chairman of the council, such additional compensation to the chairman to be paid quarterly. The city council, by order, shall fix the salaries and other compensation of the appointees of the city manager and of officials elected by the city council, including the salary of the city manager for his services as such and for all other services rendered by him and also of appointees of officials elected by the city council.'

Sec. 5. P. & S. L., 1947, c. 82, Chapter II, § 213, repealed and replaced. Section 213 of Chapter II of chapter 82 of the private and special laws of 1947 is repealed and the following enacted in place thereof:

'Sec. 213. Induction of council into office. The city council shall meet at the usual place for holding meetings at 7:30 o'clock in the evening on the first Monday in the month of November following the election date as established by this charter, and at said meeting the councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the

city clerk. This section shall be effective with the first election of councilmen following the final adoption of this section.'

Sec. 6. P. & S. L., 1947, c. 82, Chapter II, § 230, repealed and replaced. Section 230 of Chapter II of chapter 82 of the private and special laws of 1947 is repealed and the following enacted in place thereof:

'Sec. 230. Appointment of city manager. The council shall select and appoint an officer of the city who shall have the title of city manager and shall have the powers and perform the duties provided in this charter. The council shall be the sole judge of the qualifications of such person selected and appointed to serve as city manager. No councilman shall receive such appointment during the term for which he shall have been elected, nor within 2 years after the expiration of his term, nor shall any member of the city council act in that capacity.'

Sec. 7. P. & S. L., 1947, c. 82, Chapter II, § 232, repealed and replaced. Section 232 of Chapter II of chapter 82 of the private and special laws of 1947, as repealed and replaced by section 11 of chapter 3 of the private and special laws of 1949, is repealed and the following enacted in place thereof:

'Sec. 232. Council confirmation and non-interference in appointments. The appointments of all officers and employees appointed by the city manager under the authority granted by sections 304 and 305 of chapter III of this charter shall be confirmed by the city council. Neither the city council nor any of its committees or members shall dictate the appointment of any other person to office or employment by the city manager or in any manner interfere with the city manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administration service under his jurisdiction, except the confirmations hereinbefore mentioned. Neither the council nor any members thereof shall give orders to any subordinate of the city manager, either publicly or privately.'

Sec. 8. P. & S. L., 1947, c. 82, Chapter II, § 235, additional. Chapter II of chapter 82 of the private and special laws of 1947, as amended, is further amended by adding a new section 235, to read as follows:

'Sec. 235. Continuity of government in case of enemy attack. Notwithstanding any general or special provision of this charter, the city council, in order to insure continuity of local governmental operations in periods of emergency resulting from disasters caused by enemy attack, or disaster from any other cause, shall have the power to provide, by ordinance, for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and to adopt such other measures as may be necessary and proper for insuring the continuity of local governmental operations including but not limited to the financing thereof.'

Sec. 9. P. & S. L., 1947, c. 82, Chapter III, §§ 301, 302, 304-312, repealed and replaced. Section 301, section 302, as amended by section 13 of chapter 3 of the private and special laws of 1949, sections 304 to 308, section 309, as amended by section 2 of chapter 65 of the private and special laws of 1955, and sections 310 to 312 of Chapter III of chapter 82 of the private and special laws of 1947 are repealed and the following enacted in place thereof:

Sec. 301. Selection and qualifications. The city manager shall be chosen by the city council on the basis of his character, executive and administrative qualifications, professional training and actual experience in municipal administration. At the time of his appointment he need not be a resident of the City of Bath or the State of Maine, but during his tenure of office he shall reside within the City of Bath.

Sec. 302. Powers and duties. The city manager shall be the chief administrative officer and purchasing agent for the city. He shall have direct control of the administrative branches of the city government specified in section 304. He shall be responsible to the council for the proper administration of all affairs of the city under his jurisdiction and to that end, subject to existing personnel regulations, he shall have power and be required to:

1. Appoint, prescribe the duties of, and, when necessary for the good of the service, remove all officers and employees of the city, subject to his appointment, except as otherwise provided by this charter and except as he may authorize the head of a department to appoint and remove subordinates in such department. Any such administrative officer removed may request a hearing under such rules and regulations as the council may promulgate;
2. Prepare the budget annually, submit it to the council and be responsible for its administration after adoption;
3. Prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year, and cause such annual city report to be published and made available to the public as promptly as possible after the close of the fiscal year;
4. Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem to him desirable;
5. Perform such other duties as may be prescribed by this charter or required of him by the council, not inconsistent with this charter.

Sec. 304. Titles and appointments. There shall be the following administrative officers and boards appointed by the city manager:

1. Chief of police and harbor master.
2. Superintendent of highways and sewers.
3. Superintendent of cemeteries and parks.
4. Chief of the fire department.
5. First assistant chief of the fire department.
6. Second assistant chief of the fire department.
7. Board of fire engineers and fire escape inspectors.

8. Superintendent of public welfare and city almoner.
9. City physician.
10. Health officer.
11. Sealer of weights and measures.
12. City constable and messenger.

Sec. 305. Power of council with regard to appointive officers, boards and departments. The council shall have power, by ordinance, to fix the duties and responsibilities of all of the appointees of the city manager as set forth in section 304 and shall have the power, by ordinance, to create any new appointive office or to abolish any existing office or board excepting that of city manager. The council shall, by ordinance, fix the term of office for all appointees of the city manager except for those whose terms are specified in this charter. The city council shall have the power, by ordinance, to abolish any administrative department or office or board as may be created by the charter of the City of Bath, except for the office and department of city manager, with the right to establish any new consolidated or combined administrative division which may include 2 or more existing administrative departments as heretofore established.

Sec. 10. P. & S. L., 1947, c. 82, Chapter IV, §§ 402, 403, 405-407, 410, repealed and replaced. Sections 402, 403, 405 to 407 and 410 of Chapter IV of chapter 82 of the private and special laws of 1947, as enacted by section 15 of chapter 3 of the private and special laws of 1949, are repealed and the following enacted in place thereof:

‘Sec. 402. Members. The board shall consist of 7 members including the chairman of the city council.

Sec. 403. Membership; qualifications; election; terms. The other 6 members shall be citizens of Bath, of legal age, of either sex, who shall be elected by the voters on the 4th Monday of September, 2 to be elected each year as provided in chapter VIII, and to serve for 3 years from the first Monday in the month of November following his or her election and until his or her successor has been chosen or qualified. In the first election following the effective date of this amendment 3 members shall be elected to the board of education, one member to be elected for a term of one year, one member to be elected for the term of 2 years, and one member to be elected for a term of 3 years; thereafter members shall be elected and hold office as members of said board as provided in the first sentence of this section.

Sec. 405. Vacancies. Any vacancy occurring in the board, otherwise than by expiration of term of office, may be filled for the period remaining prior to the first Monday in November, next, by ballot of the city council, and at the next municipal election a member shall be elected to fill the vacancy for the unexpired term.

Sec. 406. Limitation of membership. No member of the city council, city official, or teacher in the public schools shall be eligible for membership on this board except as provided in section 402.



Sec. 407. Organization; secretary; duties. This board shall, on the first Monday in November following the regular municipal election, organize by electing one of its members, other than the chairman of the city council, as chairman and shall elect a secretary whose duties shall be to keep a record of the proceedings of the board, to notify members of meetings, and to perform such other duties as the board may direct.

Sec. 410. Budget estimates; reports; compensation of members. The board of education shall, before the 3rd Monday of January of each year, submit to the city manager for his guidance in preparing the budget, approximate estimates of the amounts needed for current expenses and other requirements and such other information regarding its department as the city manager may request, and shall, at the close of each municipal fiscal year, or at any other time when requested by the city manager or city council, make a full, detailed report to the city council of the receipts and expenditures and of the work done, but shall have no authority to incur liabilities in excess of the amount appropriated for its use by the city council. The estimated amounts as submitted to the city manager by the board of education as provided herein shall be submitted to the city council at the time of the presentation of the city manager's budget for their consideration. Each member of the board of education shall receive the sum of \$100 per year in full compensation for the performance of the duties of the office, the same to be paid quarterly.'

Sec. 11. P. & S. L., 1947, c. 82, Chapter V, §§ 501-506, repealed and replaced. Section 501, as last amended by section 7 of chapter 177 of the private and special laws of 1951, section 502, as last amended by section 4 of chapter 65 and by section 7 of chapter 174, both of the private and special laws of 1955, section 502-A, as enacted by section 9 of chapter 177 of the private and special laws of 1951 and as amended by section 8 of chapter 174 of the private and special laws of 1955, section 502-B, as enacted by section 10 of chapter 177 of the private and special laws of 1951, section 503, as amended by section 5 of chapter 65 of the private and special laws of 1955, and sections 504 to 506 of Chapter V of chapter 82 of the private and special laws of 1947, are repealed and the following enacted in place thereof:

'Sec. 501. Division of assessment. The city council shall, within 120 days following the effective date of this amendment, appoint for an indefinite term an officer of the city to be known as tax assessor. The powers, duties and responsibilities conferred and imposed by law upon a board of assessors are granted to the city tax assessor. The city council shall, by ordinance, define and enumerate such additional powers, duties and responsibilities as may be required and necessary for the administration of the office of city tax assessor. The salary of the city tax assessor and of any other subordinate officers or employees of the city tax assessor shall be fixed by the city council. The city council shall have the power and authority to create by ordinance a board of assessment review and all matters relating to the appointment, vacancies, qualifications, powers, duties, hearings, appeals and all other matters relating to tax assessment, collection, abatement and review by a board of assessment shall be created by ordinance of the city council. The board of tax assessors holding office at the effective date of this section shall continue to serve in their capacities as members of the board of tax assessors with all powers and authority heretofore granted to them, until the tax assessor as established herein shall be appointed and qualifies in said office.

Sec. 502. City treasurer; city tax collector. The council shall elect by a majority vote of its 9 members an officer of the city to serve for an indefinite

term, who shall have the title of city treasurer, and shall elect by majority vote of its 9 members an officer of the city to serve for an indefinite term, who shall have the title of city tax collector. The city council may elect the same person to hold both the office of city treasurer and city tax collector when, in its judgment, the duties of both offices can be administered by the same person. The city council shall, by ordinance, fix the duties, responsibilities and administrative procedures of the offices of city treasurer and city tax collector and shall further provide by ordinance the powers and duties of the city treasurer with respect to accounting procedures and control and audit of all accounts and records of financial transactions of the city. All clerical help in the office of the city treasurer and city tax collector shall be appointed by and work under the direction and supervision of the city treasurer and city tax collector.

Sec. 503. Transfers of appropriations. The city manager may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department, board or agency, except that transfers within the school department shall only be made by vote of the board of education. At the request of the city manager, and within the last 3 months of the budget year, the council may by resolution transfer any unencumbered appropriation balance, or portion thereof, from one office, department, board or agency to another. No transfer shall be made from appropriations required by subsections (a), (b), (c), (d), (e), (f), (g) and (h) of section 625.'

Sec. 12. P. & S. L., 1947, c. 82, Chapter V, § 507, amended. Section 507 of Chapter V of chapter 82 of the private and special laws of 1947 is amended to read as follows:

'Sec. 507. When contracts and expenditures prohibited. No officer, department or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditure pursuant to this charter. Any contract, verbal or written, made in violation of this charter shall be null and void. Any officer or employee of the city who shall violate this section shall be guilty of misdemeanor and, upon conviction thereof, shall cease to hold his office or employment. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, or notes, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.'

Sec. 13. P. & S. L., 1947, c. 82, Chapter V, §§ 509 - 512, repealed and replaced. Sections 509 to 512 of Chapter V of chapter 82 of the private and special laws of 1947 are repealed and the following enacted in place thereof:

'Sec. 509. Purchasing; competitive bidding; contracts for city improvements; accounting control of purchases. The city council shall, by ordinance, establish rules, regulations and requirements for all purchases made on behalf of the city by the purchasing agent, the methods and requirements for competitive bidding for sales to the city for supplies, materials or equipment, the manner and requirements relating to all contracts for city improvements wherein the City of Bath is a party, and all procedures, requirements and methods used by the purchasing agent for the control of all purchases made on behalf of the City of Bath. The authority granted to the City of Bath to control and

administer all purchases and contracts of the City of Bath by ordinance shall be deemed to include any and all rules, regulations or administrative procedures which are any part of the business of expending moneys of the City of Bath for the acquisition of supplies, materials, labor or equipment for any current or capital expenditure.'

Sec. 14. P. & S. L., 1947, c. 82, Chapter V, § 513, amended. Section 513 of Chapter V of chapter 82 of the private and special laws of 1947 is amended to read as follows:

'Sec. 513. No contract executed until bond ordinance effective. No contract shall be executed for the acquisition of any property or the construction of any improvement or betterment to be financed by the issuance of bonds or notes until the ordinance authorizing the issuance of such bonds or notes shall have taken effect and any contract executed before such day shall be unenforcible in any court of law.'

Sec. 15. P. & S. L., 1947, c. 82, Chapter V, § 515, amended. Section 515 of Chapter V of chapter 82 of the private and special laws of 1947, as last amended by section 7 of chapter 65 of the private and special laws of 1955, is 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 appropriations, exclusive of proposed expenditures as set forth in ~~sub-section~~ subsections (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. 16. P. & S. L., 1947, c. 82, Chapter V, § 516, repealed and replaced. Section 516 of Chapter V of chapter 82 of the private and special laws of 1947 is repealed and the following enacted in place thereof:

'Sec. 516. Borrowing to meet emergency appropriations. In the absence of unappropriated available revenues to meet emergency appropriations under section 515, the council may by resolution authorize the issuance of notes, each of which shall be designated "Emergency Note" and may be renewed from time to time, but all such notes of any fiscal year and any renewals thereof shall be paid not later than 5 years from the date of the adoption of the emergency resolution appropriating those funds for which the original note or notes were executed.'

Sec. 17. P. & S. L., 1947, c. 82, Chapter VI, § 602, amended. Section 602 of Chapter VI of chapter 82 of the private and special laws of 1947, as amended by section 23 of chapter 3 of the private and special laws of 1949, is further amended to read as follows:

'Sec. 602. Preparation and submission of budget. The city manager, on the ~~first~~ 2nd Monday in ~~March~~ February in each calendar year, shall submit to the council a budget and an explanatory budget message in the form and with the

contents provided by sections 613 to 616. For such purpose, at such date as he shall determine, he, or an officer designated by him, shall obtain from the head of each office, department or agency estimates of revenue and expenditure of that office, department or agency, detailed by organization units and character and object of expenditure, and such other supporting data as he may request; together with an estimate of all capital projects pending or which such department head believes should be undertaken (a) within the budget year and (b) within the 5 next succeeding years. In preparing the budget, the city manager shall review the estimates, and may revise them as he may deem advisable.'

Sec. 18. P. & S. L., 1947, c. 82, Chapter VII, § 702, amended. Section 702 of Chapter VII of chapter 82 of the private and special laws of 1947, as repealed and replaced by section 27 of chapter 3 of the private and special laws of 1949, is amended to read as follows:

'Sec. 702. Power to incur indebtedness by issuing bonds and notes. The city may incur indebtedness by issuing its negotiable bonds, and notes in anticipation of bonds, pursuant to this charter, to finance any capital project which it may lawfully construct or acquire and for any other purpose for which a city is authorized by the Revised Statutes of ~~1944~~ 1954, as amended and as they may be amended, to raise money, provided that no bonds shall be issued to pay for current expenses. The city may further incur indebtedness by issuing a note or notes to finance any capital project which it may lawfully construct or acquire and for any other purpose for which a city is authorized by the Revised Statutes of 1954, as amended, and as they may be amended, to raise money, except that no note or notes may be issued for a period of more than 5 years and any note or notes, or renewal thereof, issued in accordance with this section shall be fully paid within 5 years from the original date of the making of such original note or notes and, further, that no such note or notes shall be issued to pay for current expenses.'

Sec. 19. P. & S. L., 1947, c. 82, Chapter VIII, § 801, amended. The 2nd paragraph of section 801 of Chapter VIII of chapter 82 of the private and special laws of 1947, as amended by section 9 of chapter 174 of the private and special laws of 1955, is further amended to read as follows:

'~~Thereafter on~~ On the ~~2nd~~ 4th Monday in ~~February~~ September beginning on the 4th Monday of September, 1962 and thereafter annually, a regular municipal election shall be held and the qualified voters of the city shall elect 4 or 5 members (as the case may be) of the city council pursuant to section 210 of this charter as herein amended; ~~1 member~~ 2 or 3 members (as the case may be) of the board of education, as provided in section 403, together with such members as are necessary to fill any vacancies which then may exist in said board; and the qualified voters of each ward shall at the same time elect a warden, ward clerk and ward constable for their ward.'

Sec. 20. P. & S. L., 1947, c. 82, Chapter VIII, § 802, amended. The first sentence of section 802 of Chapter VIII of chapter 82 of the private and special laws of 1947 is amended to read as follows:

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

Sec. 21. P. & S. L., 1947, c. 82, Chapter X, § 1004, repealed and replaced. Section 1004 of Chapter X of chapter 82 of the private and special laws of 1947 is repealed and the following enacted in place thereof:

'Sec. 1004. Summons before city council and civil service commission; failure to obey summons. The clerks of the Supreme Judicial and Superior Courts may issue summons for witnesses to attend and to produce books, documents and papers at any meeting of the city council of the City of Bath at which a hearing is had in any matter regarding any alleged dereliction, which summons shall be served as summons are required to be served in matters before the Supreme Judicial or Superior Courts.

On complaint of failure to obey summons to the municipal court of the City of Bath, which court is expressly given jurisdiction to hear such complaints, said municipal court, if it finds failure to obey said summons to be without reasonable excuse, shall impose a fine of not less than \$10 nor more than \$100, or imprisonment for not more than 30 days, or by both.

All rights of appeal are to be available as exist in the general laws of the State of Maine.'

Sec. 22. P. & S. L., 1947, c. 82, Chapter X, §§ 1011 and 1012, additional. Chapter X of chapter 82 of the private and special laws of 1947 is amended by adding 2 new sections 1011 and 1012, to read as follows:

'Sec. 1011. Removal of city officials. The city council may remove the officials of the city appointed to office by it by a majority vote of its 9 members. At least 30 days before such removal shall become effective, the council shall by a majority vote of its 9 members, adopt a preliminary resolution stating the cause for removal. Within 30 days from the date of said preliminary resolution the officer of the city designated by such resolution may, in writing filed with the chairman of the city council, request a public hearing which shall be held not earlier than 10 days, and not later than 20 days after the filing of such request. After such public hearing, if any, and after full consideration, the council, by majority vote of its 9 members, may adopt a final resolution of removal.

Sec. 1012. Vacancies. In the event of a vacancy in the office of any official established by this charter, not subject to appointment by the city manager, the chairman of the city council may appoint, with the approval of a majority of the said council, an acting official of such office for the purpose of performing the duties of such office. Such temporary official shall qualify for such office as provided in this charter and shall serve until such time as the vacancy in such office has been filled by the city council in accordance with this charter.'

Sec. 23. P. & S. L., 1947, c. 82, Chapter V, § 514, amended. The first paragraph of section 514 of Chapter V of chapter 82 of the private and special laws of 1947, as amended by section 11 of chapter 177 of the private and special laws of 1951, is further amended to read as follows:

'Other than by the one regular annual budget appropriation ordinance resolve, the city council shall make no appropriations except "emergency appropriation" as defined and provided under section 515.'

Sec. 24. **Effective date.** This act, with the exception of sections 402, 403, 501 and 702 of the charter shall become effective 90 days after adjournment of the Legislature.

**Referendum; certificate to Secretary of State.** Sections 402, 403, 501 and 702 of the charter 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 Bath at the next regular city election on Monday, February 12, 1962.

The city clerk shall reduce the subject matter of said sections to the following questions:

1. Shall the chairman of the city council receive compensation in an amount of \$100 more than the council members?
2. Shall the board of education be increased to 7 members?
3. Shall the city council be authorized to appoint a fulltime tax assessor?
4. Shall the city council be authorized to issue notes to be paid not later than 5 years for the purpose of meeting emergency appropriations?
5. Shall the city council have the power to issue notes for a period of not more than 5 years for the purpose of financing capital projects?

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 said sections, 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 equals or exceeds 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 Bath and due certificate thereof shall be filed by the city clerk with the Secretary of State.

Effective September 16, 1961

## Chapter 187

### AN ACT Repealing Certain Limitations on Elliottsville Plantation.

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

**P. & S. L. 1921, c. 132, repealed.** Chapter 132 of the private and special laws of 1921 is repealed.

Effective September 16, 1961