

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 299

H. P. 204

House of Representatives, January 12, 1961.

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

HARVEY R. PEASE, Clerk

Presented by Mr. Malenfant of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Relating to Number of Members and Terms of Office of Boards and Commissions of City of Lewiston.

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the next municipal election of the City of Lewiston takes place on February 20, 1961; and

Whereas, the people of the City of Lewiston should, as soon as possible, have the privilege of deciding whether or not the city government commissions and boards should be comprised of 5 members or 3 members; 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. 8, Art. VIII, § 1, amended. Section 1 of Article VIII of chapter 8 of the private and special laws of 1939 is amended to read as follows:

'Sec. 1. Members of board of finance. The board of finance shall consist of ~~5~~ 3 members to be appointed by the mayor for a term of ~~5~~ 3 years or until their successors have been appointed and qualified; save that at the time of appointing the first board under this charter, the mayor shall designate the member whose term shall expire at the expiration of each period of one year for ~~5~~ 3 years thereafter.'

Sec. 2. P. & S. L., 1939, c. 8, Art. X, § 1, amended. Section 1 of Article X of chapter 8 of the private and special laws of 1939 is amended to read as follows:

'Sec. 1. Appointment of members. The affairs of the department of public works shall be administered by a board of ~~5~~ 3 members to be appointed by the mayor for a term of ~~5~~ 3 years or until their successors have been appointed and qualified; save that at the time of appointing the first board under this charter, the mayor shall designate the member whose term shall expire at the expiration of each period of one year for ~~5~~ 3 years thereafter. Vacancies occurring in the board shall be filled by appointment by the mayor for the unexpired term provided that if no appointment be made for the period of one month after the vacancy shall occur, it shall be filled by the remaining members of the board.'

Sec. 3. P. & S. L., 1939, c. 8, Art. XI, § 1, repealed and replaced. Section 1 of article XI of chapter 8 of the private and special laws of 1939, as amended, is repealed and the following enacted in place thereof:

'Sec. 1. Police department; how constituted. The police department shall consist of a police commission of 3 members, hereinafter in this article referred to as the commission, to be appointed by the mayor for a term of 3 years or until their successors have been appointed and qualified; save that at the time of appointing the first commission under this charter, the mayor shall designate the member whose term shall expire at the expiration of each period of one year for 3 years thereafter. Vacancies occurring in the commission shall be filled by appointment by the mayor for the unexpired term provided that if no appointment be made for the period of one month after the vacancy shall occur, it shall be filled by the remaining members of the commission. The commission shall appoint a chief of police, and it may appoint 3 captains of police, 1 captain of detectives, 3 lieutenants of police, 4 sergeants of police, 1 police matron, 1 police clerk and such number of patrolmen not to exceed 1 for each 900 of the population of the city, as the commission shall deem necessary, the entire personnel of which, as existing when this charter takes effect, shall continue subject to the provisions hereinafter contained.

The commission may appoint such number of patrolmen as they shall deem necessary to act as detectives. The commission may employ such other employees of the department as it shall deem necessary, prescribe their duties, set their compensation subject to the approval of the board of finance, and terminate their employment at pleasure.'

Sec. 4. P. & S. L., 1939, c. 8, Art. XI, § 2, amended. The first sentence of section 2 of Article XI of chapter 8 of the private and special laws of 1939, as amended, is repealed as follows:

~~'The commission as constituted when this charter takes effect shall be and continue as the commission herein established, the members thereof to serve in accordance with their respective appointments without interruption and as the terms of the members thereof shall expire, the mayor shall appoint their successors for the term of 5 years.'~~

Sec. 5. P. & S. L., 1939, c. 8, Art. XII, § 2, amended. The first sentence of section 2 of Article XII of chapter 8 of the private and special laws of 1939, as amended by chapter 176 of the private and special laws of 1947, is further amended to read as follows:

'The affairs of the fire department shall be administered by a fire commission of 5 3 members to be appointed by the mayor for a term of 5 3 years or until their successors have been appointed and qualified; save that at the time of appointing the first commission under this charter, the mayor shall designate the member whose term shall expire at the expiration of each period of 1 year for 5 3 years thereafter.'

Sec. 6. P. & S. L., 1939, c. 8, Art. XIII, § 1, amended. Section 1 of Article XIII of chapter 8 of the private and special laws of 1939 is amended to read as follows:

'**Sec. 1. Board of Education.** The affairs of the department of education shall be administered by a board of education of 5 3 members, who may have all the powers conferred and shall perform all the duties imposed by law upon superintending school committee.'

Sec. 7. P. & S. L., 1939, c. 8, Art. XIII, § 2, repealed and replaced. Section 2 of Article XIII of chapter 8 of the private and special laws of 1939, as amended by chapter 171 of the private and special laws of 1951, is repealed and the following enacted in place thereof:

'**Sec. 2. Appointment of members.** The mayor shall appoint the members of the board of education for a term of 3 years or until their successors have been appointed and qualified, except that at the time of appointing the first board, the mayor shall designate the member whose term shall expire at the expiration of each period of one year for 3 years thereafter. Vacancies occurring in the board shall be filled by appointment by the mayor for the unexpired term provided that if no appointment be made for the period of one month after the vacancy shall occur, it shall be filled by the remaining members of the board.'

Sec. 8. P. & S. L., 1939, c. 8, Art. XIV, § 1, amended. The first sentence of section 1 of Article XIV of chapter 8 of the private and special laws of 1939 is amended to read as follows:

'The affairs of the department of health and welfare shall be administered by a board of 5 3 members to be appointed by the mayor for a term of 5 3 years or until their successors have been appointed and qualified; save that at the time of appointing the first board under this charter, the mayor shall designate the member whose term shall expire at the expiration of each period of 1 year for 5 3 years thereafter.'

Emergency clause; referendum; effective date. 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 City of Lewiston at the next regular city election to be held on the 20th day of February, 1961.

The city clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall the Act Relating to

Number of Members and Terms of Office of Boards and Commissions of City of Lewiston, passed by the 100th Legislature, be accepted?" 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 vote of the legal voters voting at said election; provided the total number of votes cast for and against the acceptance of this act at said election equaled or exceeded 20% of the total vote for all candidates for Governor in said city at the next preceding gubernatorial election.

The result of such election shall be declared by the municipal officers of the City of Lewiston and due certificate thereof shall be filed by the city clerk with the Secretary of State.