

MAINE STATE LEGISLATURE

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Legislative Document

No. 477

H. P. 325

House of Representatives, January 18, 1961

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

HARVEY R. PEASE, Clerk

Presented by Mr. Anderson of Ellsworth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

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 ~~2nd~~ 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 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 ~~2~~ 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, super-~~ ~~intendent of the city farm~~ trustees of the public library, chief engineer of the fire department, chief of police department, who shall also be city marshall **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.