

MAINE STATE LEGISLATURE

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 ONE - HUNDRED TH LEGISLATURE

Legislative Document

No. 825

H. P. 608

House of Representatives, January 25, 1961.

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

HARVEY R. PEASE, Clerk

Presented by Mr. Burns of Westbrook.

 STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

 AN ACT Amending Charter of City of Westbrook.

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

Sec. 1. P. & S. L., 1907, c. 257, § 2, amended. Section 2 of chapter 257 of the private and special laws of 1907, as repealed and replaced by section 1 of chapter 36 of the private and special laws of 1955, is amended to read as follows :

'Sec. 2. Mayor; city council; school committee. The government of said city, with the administration of all its fiscal, prudential and municipal affairs shall be vested in one principal magistrate, to be called the mayor, and in one council of ~~thirteen~~ 7, to be called the city council, the members thereof to be called aldermen. The general management and control of the public schools and of the school property, buildings and grounds, including insurance and repairs on buildings, shall be vested in a school committee of 7, the members thereof to be called school committeemen.'

Sec. 2. P. & S. L., 1907, c. 257, § 4, amended The first paragraph of section 4 of chapter 257 of the private and special laws of 1907, as repealed and replaced by section 2 of chapter 36 of the private and special laws of 1955, is amended to read as follows :

'The mayor ~~City Clerk~~ and ~~three~~ 2 aldermen shall be elected from the citizens at large, by the legal voters of the city voting in their respective wards. ~~Two~~ **One** alderman, a warden, a ward clerk and a constable shall be elected in each ward, being residents in the ward where elected. The city council may divide any ward into 2 or more precincts, and in which event additional wardens, ward clerks and constables shall be elected by each precinct from residents therein. All said officers shall be elected by a plurality of the votes given, and shall hold

office for 2 years from the first Monday in January, and until others shall be elected and qualified in their places.'

Sec. 3. P. & S. L., 1907, c. 257, § 6, amended. The 3rd sentence of section 6 of chapter 257 of the private and special laws of 1907 is repealed.

Sec. 4. P. & S. L., 1907, c. 257, § 29, repealed and replaced. Section 29 of chapter 257 of the private and special laws of 1907 is repealed and the following enacted in place thereof :

'**Sec. 29. Assessor, election, tenure of office, compensation; advisory board.** There shall be one assessor to be elected by a $\frac{3}{4}$ vote of all the members of the city council by a roll-call vote on the 2nd Monday of January following the approval of this act, or as soon as practicable thereafter. He shall hold office until:

1. Retirement, or
2. He resigns and such resignation is accepted by the council, or
3. He is removed for good and sufficient cause, on complaint of the mayor or any member of the council, sustained by a $\frac{2}{3}$ vote of the members of the city council by a roll-call vote.

The compensation of the assessor shall be fixed by the council but shall not be increased or diminished during the municipal year in which it is fixed.

Upon the death, resignation or removal of the assessor, the council shall elect a new assessor to fill such vacancy as soon as practicable in accordance with this section; but may elect an assessor pro-tem to serve in such capacity for a period not in excess of 6 months by a majority vote of all the members of the council and the term of the assessor pro-tem shall expire on the election of such new assessor. The compensation of the assessor pro-tem shall also be fixed by the council. The assessor shall faithfully perform all the duties of tax assessors under the laws of this State and all taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this State, but the city council may establish further or additional provisions for the collection thereof and may authorize the employment of such assistants as it may deem advisable.

There shall also be an assessor's advisory board, whose duty it shall be to render such advice and recommendations to the assessor relative to the assessment, apportionment and abatement of taxes as it may deem advisable, and it shall attend all hearings on petitions for abatement. The board shall be comprised of 3 citizens, residents of the city, to be elected by a majority vote of all the members of the council on the 2nd Monday of January of each year following the approval of this act, or as soon as practicable thereafter. Each member shall serve, without compensation, for a period of 3 years, except that on the 2nd Monday of January following the approval of this act the council shall elect the first 3 members to serve for one, 2 and 3 years respectively. Upon the death, resignation or removal from the city of a member of the board, the vacancy shall be filled for the unexpired term by election by the council.'

Sec. 5. P. & S. L., 1907, c. 257, § 30, sub-§§ I - III, V, repealed. Subsections I, II, III and V of section 30 of chapter 257 of the private and special laws of 1907 are repealed.

Sec. 6. P. & S. L., 1907, c. 257, §§ 30-A - 30-B, additional. Chapter 257 of the private and special laws of 1907 is amended by adding 2 new sections to be numbered 30-A and 30-B, to read as follows:

‘Sec. 30-A. Chief engineer of the fire department; road commissioner; appointment, tenure of office, compensation, duties. A chief engineer of the fire department and a road commissioner shall be appointed by the mayor, with the approval of $\frac{3}{4}$ of the members of the city council by a roll-call vote. Each such appointee shall hold such office until:

1. Retirement; or
2. He resigns and such resignation is accepted by the mayor and council; or
3. He is removed for good and sufficient cause, on complaint of the mayor, sustained by a $\frac{2}{3}$ vote of all the members of the city council by a roll-call vote.

Upon the death, resignation or removal from office of any such appointee a new appointment shall be made to fill such vacancy as soon as practicable in accordance with this section; but the mayor, with a majority vote of the city council, may fill such vacancy by an appointment pro-tem for a period not in excess of 6 months, which term shall expire when such new appointment is made as provided for. The compensation of all such appointees shall be fixed by the council but shall not be increased or diminished during the municipal year in which the compensation is fixed. Such officers shall perform all the duties prescribed by the laws of this State and city ordinances for their respective offices and such other duties not inconsistent with the nature of their respective offices as the mayor or city council may from time to time prescribe.

Sec. 30-B. City clerk; city treasurer-tax collector; appointment, compensation, duties. A city clerk and a city treasurer-tax collector shall be appointed by the mayor, with the approval of $\frac{3}{4}$ of the members of the city council by a roll-call vote, on the first Monday of January following the approval of this act or as soon as practicable thereafter. The offices of city clerk and city treasurer-tax collector may be held by the same person if so appointed by the mayor and approved by the council.

Upon the death, resignation or removal from office of any such appointee by the mayor, with the approval of a majority vote of the city council, a new appointment shall be made to fill such vacancy as soon as practicable in accordance with this section, but the mayor may fill such vacancy by an appointment pro-tem for a period not in excess of 6 months, which term shall expire when such new appointment is made as herein provided for. The compensation of all such appointees shall be fixed by the council but shall not be increased or diminished during the municipal year in which the compensation is fixed. All fees received by such officers shall be accounted for and deposited in the city treasury.

Such officers shall perform all the duties prescribed by the laws of this State and city ordinance for their respective offices and such other duties not incon-

sistent with the nature of their respective offices as the mayor or city council may from time to time prescribe. They shall give a surety company bond for the faithful performance of the duties of said office and that they will truly account for and pay over all moneys, papers and other property belonging to said city.'

Sec. 7. Inconsistent acts repealed. All acts or parts of acts inconsistent with the provisions of this act are repealed or amended to conform hereto.

Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after the adjournment of the Legislature, only for the purpose of permitting its submission to the voters of the City of Westbrook qualified to vote in municipal elections, at an election to be held on the 2nd Monday in October in the year 1961 and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said city to meet in the several ward meetings of said city, there to cast their ballot to accept or reject the provisions of this act.

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

1. Shall a permanent chief of the fire department be appointed by the mayor with the approval of $\frac{3}{4}$ of the city council?
2. Shall a permanent road commissioner be appointed by the mayor with the approval of $\frac{3}{4}$ of the city council?
3. Shall a full-time city clerk be appointed by the mayor with the approval of $\frac{3}{4}$ of the city council?
4. Shall a full-time city treasurer-tax collector be appointed by the mayor with the approval of $\frac{3}{4}$ of the city council?
5. Shall one full-time assessor and a 3 member citizen advisory board be elected by the city council to replace the present board of 5 assessors?
6. Shall the city council be reduced from 13 to 7 members, with 2 aldermen elected by the citizens at large and one alderman elected by each ward?

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, if adopted by the voters of the city at the election to be held on the 2nd Monday in October, 1961, herein provided for, shall take effect on said date solely for the purpose of nominating and electing officers hereunder at the regular municipal election to be held in December, 1961, and for all other purposes said provisions shall take effect on the first Monday of January, 1962, except that officers elected at the annual election held in December, 1959, shall continue in office until the first Monday in January 1962; provided that the total number of votes cast for and against the acceptance of each question at the election to be held on the 2nd Monday of October 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 Westbrook and due certificate thereof shall be filed by the city clerk with the Secretary of State.