

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 957

H. P. 679

House of Representatives, January 26, 1961

Referred to Committee on Legal Affairs. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Bedard of Saco by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Amending Charter of City of Saco

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

Sec. 1. P. & S. L., 1953, c. 177, Art. III, § 7, amended. Section 7 of article III of chapter 177 of the private and special laws of 1953 is amended to read as follows:

'Sec. 7. Salary. The salary and compensation of the mayor shall be ~~\$1,500~~ \$2,500 per year, which shall not be increased or diminished during his continuance in office, nor shall he receive any other compensation from the city for services rendered by him in any other capacity or agency including his duties as purchasing agent.'

Sec. 2. P. & S. L., 1953, c. 177, Art. III, § 10, additional. Article III of chapter 177 of the private and special laws of 1953 is amended by adding a new section to be numbered 10, to read as follows:

'Sec. 10. City engineer; appointment. The mayor, with the advice and consent of the city council, may appoint an engineer, to be known as the city engineer, for a term not exceeding 5 years. The qualifications, duties and salary shall be established by ordinance.'

Sec. 3. P. & S. L., 1953, c. 177, Art. IV, § 4, amended. Section 4 of article IV of chapter 177 of the private and special laws of 1953 is amended to read as follows:

'Sec. 4. Miscellaneous officers; election, tenure. It shall be the duty of the city council, immediately after their first organization, to elect by ballot all necessary city officers not otherwise specifically provided for in this charter,

who shall hold their offices respectively for ~~+~~ year, ~~except as otherwise specifically enumerated herein~~ 2 years, unless sooner removed, or until others are chosen and qualified in their places.'

Sec. 4. P. & S. L., 1953, c. 177, Art. IV, § 15, amended. Section 15 of article IV of chapter 177 of the private and special laws of 1953 is amended to read as follows:

'**Sec. 15. Compensation of aldermen.** Each alderman shall receive the sum of ~~\$250 annually~~ \$500 for any and all services performed by him in his capacity. ~~\$100~~ **One hundred dollars** of said compensation shall be paid the 3rd Monday in each December ~~he shall be in office,~~ and \$100 at the pleasure of the individual alderman but not before July 1st of ~~the each year in which he shall be elected,~~ and ~~\$50~~ **\$100** at the completion of said term. Each alderman shall forfeit the sum of \$10 for each regular or special meeting that he fails to attend; provided that any illness confining any alderman to his home and failure to attend not more than ~~3~~ **6** special meetings shall be excluded from said forfeiture. Said forfeiture shall be deducted from the compensation of said alderman. Members of the committee on accounts shall receive, in addition thereto, the sum of \$65 per year, payable semiannually.'

Sec. 5. P. & S. L., 1953, c. 177, Art. V, amended. Article V of chapter 177 of the private and special laws of 1953 is amended to read as follows:

'The city council may submit, on its own initiative, a proposition for the enactment, repeal or amendment of any ordinance, order or resolve (except as herein otherwise provided), to be voted upon at any ~~municipal~~ **general or special** election; and should such proposition receive a majority of the votes cast thereon at said election, such ordinance, order or resolve shall be enacted, repealed or amended accordingly.

Upon completion of the 2nd reading of any ordinance, **order or resolve**, and the vote taken thereon, the city clerk shall at the request of any citizen of Saco prepare a petition with the title and the ordinance, **order or resolve** at the top thereof, which he shall make available for any interested citizen to sign at the city clerk's office during the regular office hours.

If, before the ordinance, **order or resolve** becomes effective as hereinbefore provided, at least 200 qualified voters of Saco shall sign the said petition, the ordinance, **order or resolve** shall immediately be suspended and the city council, upon their warrants for the next ~~annual~~ **general or special** election, shall provide for said ordinance to go to referendum. Upon a majority of the votes cast in the affirmative for said ordinance, it shall take effect immediately.'

Sec. 6. P. & S. L., 1953, c. 177, Art. VI, § 1, amended. Section 1 of article VI of chapter 177 of the private and special laws of 1953, as amended by section 1 of chapter 81 of the private and special laws of 1959, is further amended to read as follows:

'**Sec. 1. Mayor; aldermen.** The mayor ~~and the members of the school board~~ shall be elected from the citizens at large by the inhabitants of the city, voting in their respective wards. One alderman shall be elected by each ward and

shall be a resident in the ward where elected. All said officers shall be elected ~~by ballot~~ by a majority of the votes and shall hold their offices for ~~1 year~~ **2 years** from the first day in January **following their election** and until others shall be elected in their places; provided, however, that if the city shall be divided into less than 7 wards, then one or 2, as the case may be, of the aldermen shall be elected at large by the inhabitants of the city, the whole number of aldermen in no case to be more than 7, as provided in article II of this charter.'

Sec. 7. P. & S. L., 1953, c. 177, Art. VI, § 2, amended. The first 4 sentences of section 2 of article VI of chapter 177 of the private and special laws of 1953, as amended by section 2 of chapter 81 of the private and special laws of 1959, are further amended to read as follows:

'On the 2nd Monday in December, ~~annually~~ **biennially**, the qualified electors of each ward shall ballot for a mayor, one alderman, warden **and** ward clerk ~~and~~ **member of the school board**. All the votes given for the said several officers, respectively, shall be sorted, counted, declared and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written on the ward record at length. The ward clerk, within 24 hours after such election, shall deliver to the city clerk a certified copy of the record of such election; provided, however, that if the choice of alderman, **warden or ward clerk**, cannot be conveniently effected on that day, the meeting may be adjourned from day to day, but not more than one week from the election day, to complete such election. If on the 2nd balloting for any alderman, warden **or ward clerk** ~~or member of school board~~, a choice shall not be effected by a majority vote, then the persons receiving the highest number of votes for any of those offices at the subsequent trial shall be declared elected; if no one shall then have such highest number, the balloting shall continue from day to day until a choice is effected.'

Sec. 8. P. & S. L., 1953, c. 177, Art. VI, § 2, amended. The last sentence of the first paragraph of section 2 of article VI of chapter 177 of the private and special laws of 1953, as amended by section 3 of chapter 81 of the private and special laws of 1959, is further amended to read as follows:

'The aldermen elect shall, on the first day of January, **next after their election**, at 7:30 P. M., assemble and the oath required by article II of this charter shall be administered to the members of the city council by the city clerk or any justice of the peace.'

Sec. 9. P. & S. L., 1953, c. 177, Art. VII, §§ 1 - 2, amended. Sections 1 and 2 of article VII of chapter 177 of the private and special laws of 1953 are amended to read as follows:

'**Sec. 1. Superintending school committee; membership; term.** The superintending school committee shall consist of 3 members ~~elected at large from the qualified voters of the city~~ **appointed by the mayor, with the advice and consent of the city council**, for a term of 3 years and until their successors are ~~elected~~ **appointed** and qualified. The superintending school committee shall elect one of their number as chairman. All regular meetings of the committee shall be open to the public. One member is to be ~~elected~~ **appointed** each year

at the annual election, except as hereinafter provided in case of vacancies. ~~No person, however, shall be ineligible to membership on the superintending school committee on account of sex. Any member of the school board, serving before the ratification of this charter said superintending school committee at the time of passage of this act, shall complete his term on said board committee.~~

Sec. 2. Organization. The superintending school committee shall meet for organization on the first Tuesday in February, ~~following the regular city election annually.~~ The ~~members elect~~ **members appointed** shall be sworn by a justice of the peace ~~or the city clerk to~~ a faithful discharge of their duties, and a record ~~thereof~~ **made thereof.** A majority of the whole number ~~to be elected~~ shall be a quorum. The committee shall elect a chairman from among their number. The superintendent of schools shall be secretary of said committee.

Sec. 10. P. & S. L., 1953, c. 177, Art. IX, § 1, amended. The last 2 sentences of the first paragraph of section 1 of article IX of chapter 177 of the private and special laws of 1953 are repealed.

Sec. 11. Effective date. This act shall take effect for all the purposes herein at the municipal election to be held the 2nd Monday of December, 1963 and all tenures shall commence January 1, 1964.

Referendum; 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 legal voters of the City of Saco at the next annual city election, or at any regular state-wide election held not less than 6 months nor more than 2 years after the date of approval of this act. Such election shall be called, advertised and conducted according to the law relating to municipal elections and as provided in the charter of the City of Saco. The city clerk shall prepare the required ballots, on which he shall reduce the subject matters of this act to the following questions:

1. Shall the act passed by the 100th Legislature to increase the mayor's salary be accepted?
2. Shall the act passed by the 100th Legislature authorizing the employment of a city engineer be accepted?
3. Shall the act passed by the 100th Legislature amending article V be accepted?
4. Shall the act passed by the 100th Legislature providing for a 2 year term for city officials be approved?
5. Shall the act passed by the 100th Legislature providing for the appointment of members of the superintending school committee be approved?
6. Shall the act passed by the 100th Legislature amending article IX 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 of the legal voters voting at said election; but only if the total number of votes cast for and against the acceptance of this act at said election equals or exceeds 30% of the total vote for all candidates for Governor cast in said city at the next previous gubernatorial election.

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