

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 1047

H. P. 761

House of Representatives, January 31, 1961

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

HARVEY R. PEASE, Clerk

Presented by Mr. Davis of Calais by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT to Amend the Charter of the City of Calais.

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

Whereas, the following charter changes of the City of Calais should be voted upon by the inhabitants of Calais at the municipal election on the first Monday of April, 1961; and

Whereas, the following legislation is vitally necessary in order not to deprive the inhabitants of Calais of their rights as citizens; 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., 1947, c. 172, Art. II, § 1, amended. The first paragraph of section 1 of Article II of chapter 172 of the private and special laws of 1947 is amended to read as follows:

‘The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, except the general management, care, conduct and control of the schools of said city, which shall be vested in a school committee as hereinafter provided, and also except as otherwise provided by this chapter, shall be and hereby is vested in one body ~~of 7 members consisting of~~

a mayor and 6 councilmen, which body shall constitute and be called the city council, all of whom shall be and remain during their term of office inhabitants of said city, and shall be sworn in the manner hereinafter prescribed. Said city council shall exercise its powers in the manner hereinafter provided.'

Sec. 2. P. & S. L., 1947, c. 172, Art. II, § 1, amended. The 5th paragraph of section 1 of Article II of chapter 172 of the private and special laws of 1947 is repealed and the following enacted in place thereof:

'The said city shall be divided for election purposes into not less than 3 wards and not more than 7 wards, the exact number and boundaries to be determined by the city council from time to time as is deemed necessary and in such manner as to preserve as nearly as convenient an equal number of inhabitants in each ward.'

Sec. 3. P. & S. L., 1947, c. 172, Art. II, § 1, amended. The last paragraph of section 1 of Article II of chapter 172 of the private and special laws of 1947, as enacted by section 1 of chapter 121 of the private and special laws of 1955, is amended to read as follows:

'The city council shall have the power to submit to the electors of the city of Calais such ordinances, orders and resolves as they see fit for approval or rejection by a referendum vote of said electors, except that the regular annual budget or appropriation ordinance shall not be submitted to the said electors as hereinbefore provided. The city council shall designate the date of the referendum, which shall in any event be within 30 days after the enactment by the council of any ordinance, order or resolve which is subject to such referendum. The city clerk shall prepare the required ballots, on which he shall reduce the subject matter to the following question: "Shall the proposed (ordinance, order or resolve as applicable) ~~a copy of which is hereto attached~~ entitled (here insert descriptive title of ordinance, order or resolve) as heretofore published, be adopted?" and the electors shall indicate by a cross (X) or check mark (√) placed against the words "Yes" or "No" their opinion of the same. In all such referendum elections the ordinance, order or resolve to be voted upon shall, in its entirety, be published at least once prior to said vote in a newspaper published in the City of Calais and a copy of said ordinance, order or resolve shall be posted in each of the voting places in said City of Calais on the date of any such referendum vote.'

Sec. 4. P. & S. L., 1947, c. 172, Art. II, § 2, repealed and replaced. Section 2 of Article II of chapter 172 of the private and special laws of 1947, as amended by section 2 of chapter 121 of the private and special laws of 1955, is repealed and the following enacted in place thereof:

'Sec. 2. Term of office. The city council shall consist of a mayor and 6 members. One of said members shall be a resident of the ward including that section of the city known as Red Beach and one of said members shall be a resident of the ward including that section of the city known as Milltown. The remaining 4 members shall be elected at large. All 6 members shall be elected by and from the qualified voters of the City of Calais for a term of 2 years from

the 2nd Monday in April next following the date of their election and shall serve until their successors are elected and qualified.'

Sec. 5. P. & S. L., 1947, c. 172, Art. II, § 4, amended. Section 4 of Article II of chapter 172 of the private and special laws of 1947 is amended to read as follows:

'**Sec. 4. Vacancy, how filled.** In case of the death, resignation or removal from office of any member of the city council and of a vacancy caused thereby more than 6 months prior to the next regular election of the city, the vacancy shall be filled by a special election, the warrant for which shall, upon vote of the city council, be issued by a member of the city council by vote designated for that duty majority vote of the remaining members of the city council.'

Sec. 6. P. & S. L., 1947, c. 172, Art. II, §§ 8, 9, additional. Article II of chapter 172 of the private and special laws of 1947, as amended, is further amended by adding 2 new sections 8 and 9, to read as follows:

'**Sec. 8. Council not to interfere in appointments.** Neither the city council nor any of its committees or members shall dictate the appointment of any 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 administrative service. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately.

Sec. 9. Salaries. Members of the city council shall receive \$10 for each regular monthly meeting attended of the city council, not to exceed \$120 per year. They shall receive nothing for attendance at special meetings of said city council.'

Sec. 7. P. & S. L., 1947, c. 172, Art. II-A, additional. Chapter 172 of the private and special laws of 1947, as amended, is further amended by adding a new Article II-A, to read as follows:

'ARTICLE II-A

The Mayor

Sec. 1. Eligibility, election and tenure of office. A mayor shall be elected by and from the qualified voters of the city. He shall hold office for a term of 2 years or until his successor is elected and qualified, except that when elected to fill a vacancy he shall hold office only for the unexpired term or until his successor is elected and qualified.

Sec. 2. Vacancy. In case of the death, resignation or removal from office of the mayor more than 6 months prior to the next regular election, the vacancy

for the unexpired term shall be filled by a special election, the warrants for which shall be issued by the council. Whenever the office of mayor becomes vacant within 6 months prior to a regular city election, whenever the office of mayor is vacant pending an election, or whenever the mayor, for any reason, is unable to attend to the duties of his office, the council shall appoint one of its members to perform the duties of mayor.

Sec. 3. Powers and duties. The mayor shall preside at all meetings of the council and shall perform such other duties, consistent with his office, as the council may impose. He shall have no veto and no vote except in case of a tie. He shall be recognized as the official head of the city for ceremonial purposes, and for all purposes of military law. The title of mayor shall not be considered as conferring upon him any functions of a mayor under the general laws of the State inconsistent with the provisions of this charter.

Sec. 4. Salary. The mayor shall receive an annual salary of \$200.'

Sec. 8. P. & S. L., 1947, c. 172, Art. III, § 5, amended. Section 5 of Article III of chapter 172 of the private and special laws of 1947 is amended to read as follows:

'Sec. 5. Vacancies, how filled. Whenever, from any cause, a vacancy in the school committee shall occur, said vacancy shall be filled ~~at the next annual election, or the city council may call a special election~~ by a majority vote of the city council and the person so elected shall serve only until the next regular municipal election.'

Sec. 9. P. & S. L., 1947, c. 172, Art. IV, § 3, amended. Section 3 of Article IV of chapter 172 of the private and special laws of 1947 is amended to read as follows:

'Sec. 3. Nomination of candidates to be by petition. The nomination of all candidates for elective offices provided for by this charter shall be by petition. The petition of candidates for warden and for ward clerk shall be signed by not less than 10 nor more than 30 qualified voters of the ward in which said candidates are residents. The petition of each candidate for member of the city council, and member of the school committee shall be signed by not less than ~~100~~ 50 nor more than ~~125~~ 75 qualified voters ~~of the city~~. The petition of each candidate for mayor shall be signed by not less than 100 nor more than 125 qualified voters of the city. No voter shall sign petitions for more than one candidate for each office to be filled at the election and should he do so his signature shall be counted only upon the first petition filed, and shall be void upon all other petitions.'

Sec. 10. P. & S. L., 1947, c. 172, Art. IV, § 5, amended. Section 5 of Article IV of chapter 172 of the private and special laws of 1947 is amended to read as follows:

'Sec. 5. Nomination petitions to be assembled into one petition; validity. The nomination petitions for any one candidate shall be assembled and united

into one petition and filed with the city clerk not earlier than ~~30~~ 40 nor later than ~~74~~ 20 days before the day of election. No nomination shall be valid unless the candidate shall file with the city clerk in writing, not later than ~~74~~ 20 days before the day of election, his consent accepting the nomination, agreeing not to withdraw, and, if elected, to qualify.'

Sec. 11. P. & S. L., 1947, c. 172, Art. IV, § 8, amended. The 2nd paragraph of section 8 of Article IV of chapter 172 of the private and special laws of 1947 is amended to read as follows:

'The ballot shall be printed substantially as follows:

(Back of the Ballot)
"OFFICIAL BALLOT
CALAIS

Ward

Monday A. D.

(Facsimile of Signature)

City Clerk

(Face of the Ballot)

To vote for a candidate mark a cross (X) in the square at the right of the candidate's name and residence.

If you wrongly mark, tear or deface the ballot, return it and obtain another.

FOR MAYOR **Vote for**

Name of Candidate	Residence	

FOR MEMBERS OF CITY COUNCIL **Vote for**

Name of Candidate	Residence	

FOR SUPERINTENDING SCHOOL COMMITTEE **Vote for**

Name of Candidate	Residence	

FOR WARDEN **Vote for One**

Name of Candidate	Residence	

FOR WARD CLERK		Vote for One
Name of Candidate	Residence	

Mark a cross (X) in the square at the right of your answer.

Shall Yes
No.”’

Sec. 12. P. & S. L., 1947, c. 172, Art. V, § 5, amended. The first sentence of section 5 of Article V of chapter 172 of the private and special laws of 1947 is amended to read as follows:

‘The city manager shall be appointed for an indefinite term but may be removed by a majority vote of the members of the council ~~or by the method hereinafter provided.~~’

Sec. 13. P. & S. L., 1947, c. 172, Art. V, § 6-A, amended. The first sentence of section 6-A of Article V of chapter 172 of the private and special laws of 1947, as amended by section 5 of chapter 138 of the private and special laws of 1949, is further amended to read as follows:

‘The procedure to effect the removal of a member of the school board, a member of the city council ~~or the city manager or the mayor~~ shall be as follows: A petition signed by voters entitled to vote for a successor to the incumbent, equal in number to at least 25% of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person to be removed, shall be filed with the city clerk; provided that the petition sent to the council shall contain a general statement on the grounds for which the removal is sought.’

Sec. 14. P. & S. L., 1947, c. 172, Art. V, § 11, amended. The first sentence of section 11 of Article V of chapter 172 of the private and special laws of 1947 is amended to read as follows:

‘The first city council to be elected under this charter shall appoint 3 assessors of taxes, for one, 2 and 3 years respectively from the 2nd Monday in April ~~next following their election,~~ and until their successors are appointed and qualified.’

Sec. 15. P. & S. L., 1947, c. 172, Art. VII, § 2-A, additional. Article VII of chapter 172 of the private and special laws of 1947 is amended by adding a new section 2-A, to read as follows:

‘Sec. 2-A. Investigation by council or city manager. The council, the city manager or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, agency or officer of the city and to make investigations as to municipal affairs and for that pur-

pose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence ordered under this section shall constitute a misdemeanor and shall be punished by a fine of not more than \$50 or by imprisonment for not more than 60 days, or by both.'

Sec. 16. Present officials to hold office until successors are appointed. At the first election to be held after this act is adopted by the voters of Calais and at which 4 members of the council would be elected, a mayor and 3 councilmen will be elected. Until that time the council shall continue as a body of 7 members with a chairman chosen as heretofore provided.

Emergency clause; effective date; certificate to Secretary of State. 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 qualified voters of the City of Calais at the next regular city election to be held on the first Monday of April, 1961.

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

1. To provide for the election of a mayor whose salary shall be \$200 annually?
2. To provide for compensation of city councillors for attendance at regular council meetings not to exceed \$120 annually?
3. To empower the city council to fix the number of wards at not more than 7 nor less than 3?
4. To provide for filling vacancies on the city council by appointment there-to by the incumbent members of said council?
5. To provide for filling vacancies on the superintending school committee by appointment thereto by the city council?
6. To prohibit the city council from interfering with the administrative ap-pointments of the city manager and from issuing any orders to his subordi-nates?
7. To authorize the city council, any council committee or the city manager to investigate the conduct of city officials or departments with the power of sub-poena?
8. To provide for nomination of candidates for city councillor and superin-tending school committeeman by filing nomination papers containing the names of not less than 50 nor more than 75 qualified voters?
9. To authorize the city clerk to place on municipal referendum ballots a descriptive title of the matter to be voted on?
10. To provide for removal from office of the mayor by petition and recall election?

11. To eliminate the provisions relating to the removal from office of the city manager by petition and recall election?

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 charter, as they relate to nominating and electing officers, shall become effective immediately, and the other provisions of said charter shall become effective on the 2nd Monday of April 1962, only if the majority of the votes cast by the legal voters of said city are in favor of the acceptance of such charter; provided that the total number of votes cast for and against the acceptance of such charter 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 votes shall be declared by the municipal officers of the City of Calais and due certificate thereof shall be filed by the city clerk with the Secretary of State.