

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 1612

House of Representatives, May 19, 1961
Reported by a minority of the Legal Affairs Committee. Printed under House
Rule 36.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

COMMITTEE AMENDMENT "B" to H. P. 326, L. D. 478, Bill, "An Act
Providing for a Revised Charter for the City of Portland."

Amend said Bill by inserting after section 8 of Article II the following Article:

'ARTICLE III

Initiative and Referendum

Sec. 1. How invoked. The submission to the vote of the people of any proposed ordinance, order or resolve dealing with legislative matters on municipal affairs or of any such ordinance, order or resolve enacted by the city council and which has not yet gone into effect, may be accomplished by the presentation of a petition therefor to the city council in the manner hereinafter provided. Ordinances, orders or resolves dealing with appropriations, tax levy, or with wages and hours of city employees shall not be subject to the initiative and referendum provisions herein established. Any 10 qualified voters of the City of Portland may originate a petition putting in operation the initiative or the referendum by signing such petition during office hours at the office of the city clerk. Whenever requested by 10 such voters, the city clerk shall prepare the proper petition with a copy of the submitted ordinance, order or resolve either printed on said petition or attached thereto and upon its being signed by said 10 voters, the city clerk shall file the petition and shall, during office hours for 30 business days thereafter, keep the same open for signature by qualified voters of the city, and no such petition shall be signed or presented for signature at any place other than the clerk's office.

At the expiration of said 30 days, the city clerk shall declare the petition closed and shall, at the first regular meeting of the city council thereafter,

present to that body the petition with verification of the number of valid signatures thereto attached. If the number of valid signatures to said petition shall amount to at least 5% of the number of registered voters as determined at the time of the last preceding regular municipal election, the city council shall set a date for public hearing, which hearing shall be held within 30 days thereafter. At the first regular meeting after such public hearing the city council shall take the necessary steps to submit to the voters of the city the ordinance, order or resolve proposed in said petition; provided that in the case of the referendum the entire repeal by the city council of the ordinance, order or resolve sought to be referred, and in the case of the initiative, the passage by the city council of the desired ordinance, order or resolve shall put an end to all proceedings under said petition.

Sec. 2. Form of petition. The petition used to originate the initiative or the referendum shall be substantially in the following form:

Petition to the City Council

For the Submission to the People of the Question

Shall the proposed ordinance, order or resolve, a copy of which is printed hereon or attached hereto, be adopted?

We, the undersigned, under oath, depose and say: That we are duly qualified voters of the City of Portland residing respectively at the addresses placed opposite our names, and we hereby petition the City Council to submit the foregoing question to the voters of the City of Portland.

Names	Residence	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I, _____, the City Clerk of the City of Portland do solemnly affirm that the signatures appended hereto are the signatures of the persons whose names they purport to be.

City Clerk

Date _____

Sec. 3. Effect of petition. Whenever there has been originated as aforesaid, a petition for the reference to the people of any ordinance, order or resolve passed by the city council, which ordinance, order or resolve has not yet gone into effect, the same shall be suspended from going into operation until it has been submitted to a vote of the people and has received the affirmative vote of a majority of the voters voting on said question.

Sec. 4. Time of election. Within 10 days after the first regular council meeting held after the public hearing, the city council shall set a time for the holding of a special election at which the proposed or suspended ordinance, order or resolve shall be submitted to the voters of the city, which special election shall be held not less than 30 nor more than 60 days after such council meeting; provided that, if the date set for the special election shall fall within 4 months next preceding a regular municipal election, no special election shall be called, but the question shall be submitted at said regular election.

Sec. 5. Publication of ordinance, order or resolve. Whenever any ordinance, order of resolve is required by the provisions of this ordinance, order or resolve to be submitted to the voters of the city at any election, the city council must order one publication of the complete text thereof to be made in one or more newspapers of the city, such publication to be made not less than 10 days nor more than 15 days prior to the election.

Sec. 6. Form of ballot. The ballots used when voting upon such proposed ordinance, order or resolve shall set forth the title thereof in full, together with 2 brief explanatory statements of not more than 200 words each, one prepared by the city council and the other prepared by the petitioners. These statements shall be descriptive of the intent and content of the proposed ordinance, order or resolve. The ballot shall also contain the words: "For the Ordinance, order and resolve" and "Against the Ordinance, order or resolve" as the case may be.

Sec. 7. Result of election. If a majority of the qualified voters voting on said proposed initiative ordinance, order or resolve or said referred ordinance, order or resolve shall vote in favor thereof, such ordinance, order or resolve shall take effect 30 days after the declaration of the official canvass of the return of such election.

Sec. 8. Conflicting ordinances. Any number of proposed or referred ordinances, orders or resolves may be voted upon at the same election. In the event that 2 or more ordinances, orders or resolves adopted at the same election contain conflicting provisions, the ordinance, order or resolve receiving the highest number of votes at such election shall be paramount and all questions of construction shall be determined accordingly.

Sec. 9. Order upon ballot. In the event that 2 or more ordinances, orders or resolves are submitted at the same election, they shall be placed upon the ballot in order of the priority of the filing of the respective petitions and shall be given precedence upon the ballot over any and all questions submitted by the city council on its own initiative.

Sec. 10. City council may initiate ordinance, order or resolve. 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 regular or special municipal election and should such proposition receive a majority of the votes cast thereon at any election, such ordinance, order or resolve shall be enacted, repealed or amended accordingly.

Sec. 11. Repeal or amendment of ordinance, order or resolve. An ordinance, order or resolve enacted by a vote of the people at an initiative or referendum election shall not be repealed or amended for a period of 5 years from the effective date of the ordinance, order or resolve, except by a vote of the people, unless such ordinance, order or resolve shall otherwise expressly provide. After 5 years from the effective date of the ordinance, order or resolve the city council after public hearing may repeal or amend such ordinance, order or resolve by vote of 5 of its members.

Sec. 12. Further regulations. The city council shall by ordinance, order or resolve make such further regulations as may be necessary to carry out the provisions of this article.'

Further amend said Bill by renumbering Articles III to VIII to be IV to IX.

Further amend said Bill by striking out Sec. 6 of Article VIII.

Further amend said Bill by adding at the end thereof the following referendum:

'Referendum. This act shall take effect 90 days after the adjournment of this Legislature only for the purpose of permitting its submission to the legal voters of the City of Portland at the next general election therein to be held on the first Monday of December, 1961. For the purposes of such election, the city clerk shall reduce the subject matter to the following question: "Shall 'An act amending the charter of the City of Portland' passed by the 100th legislature be approved?", and the voters shall indicate by a cross, placed within a square upon their ballots, over the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes of this act immediately upon the acceptance of this act at the above election. The result of the vote shall be declared by the municipal officers and certificate thereof filed by the city clerk with the Secretary of State.'