

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION
(EMERGENCY)

O N E - H U N D R E D T H L E G I S L A T U R E

Legislative Document

No. 1684

H. P. 1224

House of Representatives, November 27, 1961

Committee on Legal Affairs suggested.

HARVEY R. PEASE, Clerk

Presented by Mr. Rust of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT to Amend the Charter of York Beach Village Corporation.

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

Whereas, the following legislation will permit the York Beach Village Corporation to place its assessors on a more permanent basis; and

Whereas, in the interest of good government and the welfare of the people within the village corporation, the following legislation is necessary; and

Whereas, it is vital that the legal voters of the York Beach Village Corporation be permitted to vote upon the merits of the proposed legislation as soon as possible; 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., 1901, c. 455, § 7, amended. The first, 2nd and 3rd sentences of section 7 of chapter 455 of the private and special laws of 1901, as repealed and replaced by chapter 129 of the private and special laws of 1917, are repealed and the following enacted in place thereof:

'The officers of said corporation shall be a clerk, treasurer and 3 or 5 overseers, who shall be residents within the limits of the corporation and who shall be

chosen by ballot; 3 fire wardens, who shall be residents within the corporation and who shall be appointed annually by the board of overseers; and such other officers as the charter or the by-laws of the corporation may require. The clerk, treasurer and overseers shall be chosen by ballot at the annual meeting of said corporation or at a special meeting called for such purpose as occasion may require and shall hold office for one year, or until the next annual meeting; and, thereafter, until their successors are chosen and qualified. Said officers severally shall have all the powers and authority within the limits of said corporation that corresponding municipal officers elected or chosen by towns now have or may hereafter have. Provided, however, that the corporation may determine at a special meeting held at least 30 days before the annual corporation meeting whether 3 or 5 overseers shall be elected and the term of their office, which may not exceed 3 years. Once such determination has been made, it shall stand until revoked at a special meeting held at least 30 days before an annual meeting. If the corporation fails to fix the number, 3 shall be elected. If the corporation fails to fix the term, it shall be for one year. The board of overseers shall elect by ballot a chairman from its own membership, before assuming the duties of office and if no member receives a majority vote for chairman then the clerk shall determine the chairman by lot.'

Sec. 2. P. & S. L., 1901, c. 455, 8, repealed and replaced. Section 8 of chapter 455 of the private and special laws of 1901 is repealed and the following enacted in place thereof:

'Sec. 8. Municipal officers; corporation manager, removal. The board of overseers shall be the general municipal officer of the corporation and shall have general charge of its affairs and the expenditure of its funds, except so far as the same made by this act committed to other officers or persons. Provided, however, that the corporation may determine at a special meeting held at least 30 days before the annual corporation meeting to adopt a manager form of government. At the time of such adoption the corporation may determine which offices the manager is to hold or the corporation may delegate that power to the board of assessors. If the corporation determines which offices the manager is to hold, the board of overseers annually shall appoint him to each of these offices. Once the determination has been made to have a manager form of government, it shall stand until revoked at a special meeting held at least 30 days before an annual corporation meeting. If the corporation determines to have a manager form of government, the board of overseers shall have the authority to choose and employ a manager to serve at the pleasure of the board of overseers at a salary to be fixed by them unless the corporation shall fix one. The manager shall not be a member of the board of overseers and he may or may not be a resident of the York Beach Village Corporation. The manager shall be the administrative head of the corporation government and shall be responsible to the overseers for the administration of all departments of the corporation over which the overseers have control under the corporation charter and the general statutes, and his powers and duties, where not otherwise herein provided for, generally shall be as follows:

I. Enforcement of laws and ordinances. To see that the laws and ordinances are enforced;

II. Control over departments. To exercise control over all departments now created or that may be hereafter created, either by general law, ordinance or by-law;

III. Act as purchasing agent. To act as purchasing agent for all departments of the corporation, and to submit to competitive bids any transaction involving more than \$100, if the overseers so order;

IV. Attend meetings. To attend the meetings of the board of overseers, except when his removal is being considered, and recommend for adoption such measures as he shall determine expedient;

V. Overseers advised as to business, financial conditions, etc. To keep the overseers fully advised as to the business, financial conditions and needs of the corporation; and

VI. Perform other duties. To perform such other duties as may be prescribed by the board of overseers.'

Sec. 3. P. & S. L., 1901, c. 455, 17, additional. Chapter 455 of the private and special laws of 1901 is amended by adding a new section 17, as follows:

'Sec. 17. Definition. The term "assessor," "assessors" or "board of assessors" wherever used in the charter shall be interpreted hereafter to mean overseer, overseers or board of overseers whenever and wherever the context of this charter so requires.'

Emergency clause; referendum; effective date. 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 legal voters of the York Beach Village Corporation at any annual or special meeting of the corporation within 18 months after the approval of this act. Such special meeting shall be called, advertised and conducted according to the charter of the York Beach Village Corporation.

The clerk of said corporation shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall the Act Amending the Charter of the York Beach Village Corporation, passed by the first special session of the 1901 Legislature, 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 voters voting at said meeting and the filing of the certificate of the result of the vote with the Secretary of State.

The result of the vote shall be declared by the assessors of the York Beach Village Corporation and due certificate thereof shall be filed by the corporation clerk with the Secretary of State.