

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION
(EMERGENCY)

ONE-HUNDREDTH LEGISLATURE

Legislative Document

No. 1701

S. P. 620

In Senate, November 27, 1961

The Committee on Legal Affairs suggested.

CHESTER T. WINSLOW, Secretary

Presented by Senator Lovell of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

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

Emergency preamble. Whereas chapter 192 of the private and special laws of 1961, amending the charter of the City of Saco, is by its terms declared to be effective upon two differing and conflicting dates; and

Whereas, said act, while purporting to repeal certain sentences of prior sections of said charter, contains referendum questions not applicable to such sentences, but applicable to sentences which are not therein repealed; and

Whereas, the inconsistencies integral to said act render it questionable whether the City of Saco, following the referendum called for by said act, will be capable of forming a valid city government or of conducting its necessary financial affairs; 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., 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 serv-

ices 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. V. amended. Article V of chapter 177 of the private and special laws of 1953 is amended to read as follows:

'ARTICLE V

Ordinances; Orders; Resolves

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, **or of any order or resolve providing for the issue and sale of bonds or notes, except notes issued in anticipation of taxes**, and the vote taken thereon, the city clerk shall at the request of any citizen of Saco prepare a petition **for the purpose of permitting its submission to the legal voters of the City of Saco** 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~~ **any such** ordinance, **order or resolve** becomes effective as hereinbefore provided, at least 200 qualified voters of Saco shall sign the said petition, ~~the~~ **such** 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, **order or resolve** to go to referendum. Upon a majority of the votes cast in the affirmative for ~~said~~ **any such** ordinance, **order or resolve**, it shall take effect immediately.'

Sec. 4. P. & S. L., 1953, c. 177, Art. IX, § 1, amended. Section 1 of article IX of chapter 177 of the private and special laws of 1953 is amended by repealing the last 2 sentences of the first paragraph of said section.

Sec. 5. 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 ~~1 year~~, ~~except as otherwise specifically enumerated herein~~ **2 years**, unless sooner removed, or until others are chosen and qualified in their places.'

Sec. 6. 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 aldermen 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. 7. 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 ~~superintending school board committee~~ 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 ~~the mayor and aldermen~~ 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 11 of this chapter.'

Sec. 8. 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, ward clerk and ~~1 member~~ **2 members** of the ~~superintending school board committee~~. 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, ward clerk or members of the superintending~~

school committee 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~~ **or members of the superintending school committee**, 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. 9. 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 11 of this charter shall be administered to the members of the city council by the city clerk or any justice of the peace.'

Sec. 10. 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 for a term of 3 years and until their successors are elected 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~~ **Two members is are** to be elected ~~each year at the annual election~~ **biennially**, except as hereinafter provided in case of vacancies, **one to take office on January 1st next following said election and one to take office on January 1st of the following year.** No person, however, shall be ineligible to membership on the superintending school committee on account of sex. Any member ~~or members of the school board serving before the ratification of this charter~~ **said superintending school committee serving on the effective date of this section** shall complete ~~his~~ **their respective term** terms on said ~~board~~ **committee.**

Sec. 2. Organization. The superintending school committee shall meet for organization on the first ~~Tuesday in February~~ **day of January following the regular city election annually.** The members elect shall be sworn by a justice of the peace ~~or the city clerk~~ to the faithful discharge of their duties, and a record thereof made. 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. 11. P. S. L., 1961, c. 192, repealed. Chapter 192 of the private and special laws of 1961 is repealed.

Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, section 11 of this act shall take effect when approved; and the remaining sections of this act shall take effect when approved, only for the pur-

pose of permitting their submission to the voters of the City of Saco at the next annual city election to be held on the 2nd Monday of December, 1961. The city clerk shall prepare the required ballots, on which he shall reduce the subject matter of sections 1 through 10 of this act to the following questions:

1. Shall section 1 of the act, passed by the first special session of the 100th Legislature to increase the mayor's salary from \$1,500 to \$2,500 per year, be accepted?

2. Shall section 2 of the act, passed by the first special session of the 100th Legislature authorizing the appointment of a city engineer, be accepted?

3. Shall section 3 of the act, passed by the first special session of the 100th Legislature, amending Article V of the city charter to permit referenda upon orders and resolves pertaining to issues of bonds and notes, be accepted?

4. Shall section 4 of the act, passed by the first special session of the 100th Legislature, repealing that portion of section 1 of Article IX of the city charter requiring a referendum as to all issues of bonds or notes, except notes in anticipation of taxes, be accepted?

5. Shall sections 5 through 10 of the act passed by the first special session of the 100th Legislature, providing for elections, appointments and compensations of city officials for 2-year rather than 1-year terms; and for election of members of the superintending school committee biennially, be accepted?

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same.

Sections 1 through 4 of this act shall take effect for all the purposes thereof immediately upon their acceptance by a majority of the voters voting at said election; and sections 5 through 10 of this act shall take effect for all purposes at the municipal election to be held on the 2nd Monday of December, 1963 and all tenures thereunder shall commence January 1, 1964 upon their acceptance by a majority of the voters voting at said election on the 2nd Monday of December, 1961; but only if the total number of votes cast for and against the acceptance of this act at said election equals or exceeds 20% 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.