

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

(EMERGENCY)

---

---

ONE HUNDRED AND FIRST LEGISLATURE

---

---

**Legislative Document**

**No. 163**

H. P. 119

House of Representatives, January 10, 1963

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Anderson of Ellsworth.

---

---

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

---

**AN ACT Relating to Superintending School Committee of City of Ellsworth.**

---

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

Whereas, under the present law, vacancies on the superintending school committee of the City of Ellsworth cannot be filled until January, 1964; and

Whereas, as the present time there is a vacancy on the superintending school committee and another is imminent; and

Whereas, the superintending school committee exercises management and control of the public schools located in the City of Ellsworth; and

Whereas, in order to assure proper administration of the schools of Ellsworth for the benefit of the children of said city, the exercise of judgment of a full superintending school committee is essential; and

Whereas, the following legislation is vitally necessary to provide for a special election to fill these vacancies; 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:

**P. & S. L., 1933, c. 34, Art. IV, § 9, amended.** The first paragraph of section 9 of article IV of chapter 34 of the private and special laws of 1933, as repealed

and replaced by section 6 of chapter 138 of the private and special laws of 1961, is repealed and the following enacted in place thereof:

'The superintending school committee shall be elected at large by and from the qualified voters of the city for a term of 3 years from the 2nd Monday in March next following the date of their election; except that at the first regular city election after the adoption of this amendment, the 2 candidates receiving the largest number of votes shall hold office for 3 years and the 2 candidates receiving the next largest number of votes shall hold office for 2 years. At the 2nd regular city election after the adoption of this amendment, the candidate receiving the largest number of votes shall hold office for 3 years. At the 3rd regular city election held after the adoption of this amendment, the 2 candidates receiving the largest number of votes shall hold office for 3 years. Thereafter, at each regular city election, there shall be chosen at large one or 2 members, as the case may be, of the superintending school committee to fill the office of member or members of the superintending school committee whose terms of office expire that year. The candidate or candidates receiving the largest number of votes shall be elected and in the event of a tie vote or votes, the city clerk shall draw lots to determine the winner. The superintending school committee so elected shall meet at the usual place for holding meetings at 10 A.M. on the 2nd Monday in March next following the regular city election, at which time the members-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or city clerk. At their first meeting or as soon thereafter as may be, they shall elect a chairman from their group and establish a regular monthly meeting time.

In case of death, resignation or removal from office of any member of the superintending school committee and of a vacancy caused thereby more than 6 months prior to the next regular city election, the vacancy shall be filled by a special election for the unexpired term.

In the case of the death, resignation or removal from office of any member of the superintending school committee and of a vacancy caused thereby 6 months or less prior to the next regular city election, the city council shall appoint a member to fill the vacancy until the next regular city election held the first Monday in March, at which time a member shall be elected at large by and from the qualified voters of the city to fill the vacancy for the remainder of the unexpired term, if such is the case.

The nomination and election of candidates for the superintending school committee shall be conducted in accordance with article III.'

**Emergency clause.** In view of the emergency cited in the preamble, this act shall take effect when approved.