

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. 794

S. P. 280

In Senate, January 29, 1963

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

CHESTER T. WINSLOW, Secretary

Presented by Senator Couture of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT to Change the Fiscal Year of City of Lewiston.

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 Lewiston should be voted upon by the inhabitants of the City of Lewiston at the municipal election on the 3rd Monday of February, 1963; and

Whereas, the following legislation is vitally necessary in order not to deprive the inhabitants of the City of Lewiston 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., 1939, c. 8, Art. II, § 1, amended. The first sentence of section 1 of article II of chapter 8 of the private and special laws of 1939 is amended to read as follows:

'An election shall be held on the ~~3rd~~ last Monday in ~~February~~ **November** of each year, at which the qualified voters of the city shall ballot for a mayor and the qualified voters of each ward shall ballot for a member of the board of aldermen, a warden, and a ward clerk.'

Sec. 2. P. & S. L., 1939, c. 8, Art. II, § 2, amended. The first paragraph of

section 2 of article II of chapter 8 of the private and special laws of 1939 is amended to read as follows :

'If it shall appear that no person has received a majority of all the votes cast for mayor, a special election to be known as a run-off election shall be held on the ~~1st~~ **2nd** Monday in ~~March~~ **December** next thereafter at which election the names to be placed upon the ballot shall be determined as follows :

Sec. 3. P. & S. L., 1939, c. 8, Art. II, § 6, amended. Section 6 of article II of chapter 8 of the private and special laws of 1939 is amended to read as follows :

'**Sec. 6. First election.** The first election of mayor and aldermen, **warden and ward clerk** under this amendment to the charter shall be held on the ~~and last~~ Monday in ~~April~~ **November** A. D. ~~1939~~ **1963** to be followed if need be by a run-off election on the ~~4th~~ **2nd** Monday in ~~April~~ **December** next following and the said elections shall be conducted in the manner now provided by law for the holding of municipal elections. All the provisions contained in this charter relative to nominations and ballots shall apply thereto; and upon the qualification of the officers so elected, the terms of office of the then existing corresponding officers shall cease and determine.'

Sec. 4. P. & S. L., 1939, c. 8, Art. IV, § 3, amended. Section 3 of article IV of chapter 8 of the private and special laws of 1939 is amended to read as follows :

'**Sec. 3. Vacancy in office.** In the event of a vacancy in the office of mayor occurring prior to the first day of ~~December of the year in which he shall have been elected~~ **September**, a special election shall be held to fill such vacancy; warrant for such election shall be issued by the city council. Such election shall be governed by the provisions relating to nominations and elections elsewhere herein contained so far as they may be applicable.'

Sec. 5. P. & S. L., 1939, c. 8, Art. V, § 3, amended. Section 3 of article V of chapter 8 of the private and special laws of 1939 is amended to read as follows :

'**Sec. 3. Appropriation resolve.** The city council shall as soon as practicable after the first ~~day of April~~ **Monday in January** in each year pass an appropriation resolve giving due consideration to the recommendations of the board of finance made as hereinafter provided. Before final passage of an appropriation resolve, a public hearing thereon shall be held, notice of which shall be advertised in the newspapers published in Lewiston 48 hours at least prior thereto. No appropriation so made shall be increased or decreased nor shall any transfer from one department or appropriation to another be made except upon recommendation of the board of finance.'

Sec. 6. P. & S. L., 1939, c. 8, Art. V, § 8, repealed and replaced. Section 8 of article V of chapter 8 of the private and special laws of 1939 is repealed and the following enacted in place thereof :

'**Sec. 8. First meeting.** The city council shall first convene on the first **Monday in January** next following its election; except that in the event the first **Monday** shall fall on a holiday, the city council shall first convene on the day next following. At that time the terms of office of the members of the preceding city council shall terminate. At this meeting the mayor shall make the appoint-

ments which he is required annually to make. For the purpose of determining the expiration of the terms of the officers and members of the boards and commissions originally appointed under the provisions of this charter, such appointments shall be deemed to have been made as of the first Monday in January in the year of their respective appointments.'

Sec. 7. P. & S. L., 1939, c. 8, Art. VIII, § 5, amended. Section 5 of article VIII of chapter 8 of the private and special laws of 1939, as amended by chapter 148 of the private and special laws of 1961, is further amended to read as follows:

'**Sec. 5. Estimates required.** They may require from all boards or persons charged with the expenditure of funds, estimates of their respective requirements and shall at least one week prior to the ~~15th~~ 15th day of ~~April~~ January in each year submit to the city council an estimate of the revenue of the city from sources other than direct taxation together with their recommendations in detail relating to appropriations for the year ensuing, 96 hours prior thereto causing a summary of their recommendations to be published in the newspapers published in Lewiston. Before submission of their recommendations as aforesaid, a public hearing relating to the board's recommendations relating to salaries and wages shall be held, notice of which shall be advertised in the newspapers published in Lewiston 48 hours at least prior thereto. They may from time to time during the year recommend to the city council increases or decreases in appropriations, or transfers as the same may in their judgment become needful.'

Sec. 8. P. & S. L., 1939, c. 8, Art. VIII, § 6, amended. Section 6 of article VIII of the private and special laws of 1939 is amended to read as follows:

'**Sec. 6. Powers on appropriation resolve.** If on the first day of ~~June~~ March in any year subsequent to the year ~~1939~~ 1963, the city council shall have failed finally to pass an appropriation resolve for the current year, its power ~~so~~ to do so shall be at an end and the board of finance shall then and in that event perform that duty but no other power in this charter granted to the city council shall by reason thereof vest in the board of finance.'

Sec. 9. P. & S. L., 1939, c. 8, Art. XVI, § 15, amended. Section 15 of article XVI of the private and special laws of 1939 is amended to read as follows:

'**Sec. 15. Fiscal year.** ~~The~~ After 1963, the fiscal year of the city shall commence on the first day of ~~April~~ January and end on the 31st day of ~~March~~ December of each year.'

Emergency clause; referendum; 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 legal voters of the City of Lewiston at the regular municipal election of the city in 1963.

The city clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: "Shall the Act to change the fiscal year of the City of Lewiston, passed by the 101st 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 purposes hereof upon its acceptance by a majority vote of the legal voters voting at said election; provided that 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 in said city at the next preceding gubernatorial election.

The result of such election shall be declared by the municipal officers of the City of Lewiston and due certificate filed by the city clerk with the Secretary of State.