

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 840

H. P. 605

House of Representatives, January 30, 1963

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

HARVEY R. PEASE, Clerk

Presented by Mr. MacLeod of Brewer.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Amending the Charter of the City of Brewer.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. P. & S. L., 1931, c. 75, Art. II, § 1, amended. Section 1 of article II of chapter 75 of the private and special laws of 1931 is amended to read as follows:

'Sec. 1. Powers and duties of city council. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, except the general management, care, conduct and control of the schools of said city, which shall be vested in a school committee as hereinafter provided, and also except as otherwise provided by this charter, shall be and hereby is vested in one body of 5 members, which body shall constitute and be called the city council, all of whom shall be and remain during their term of office inhabitants of said city, and shall be sworn in the manner hereinafter prescribed. Said city council shall exercise its powers in the manner hereinafter provided.

The members of the city council shall be and constitute the municipal officers of the City of Brewer for all purposes required by law or ordinance and, except as otherwise herein specifically provided, shall have all powers and authority given to and perform all duties required of municipal officers and mayors of cities under the laws of this State ~~including all powers and authority given to the mayor of the City of Brewer and also given to the aldermen of said city relative to the appointment and removal of policemen, patrolmen, and other officers, as provided in chapter one hundred twenty of the private and special laws of nineteen hundred seventeen, entitled "An Act Regulating the Appointment of the Members of the Police Force of the City of Brewer"~~. When said

city council shall act as municipal officers, it shall be sufficient and lawful for such vote to be passed or such action to be taken as "City Council" and any record of any such vote passed or action taken, by law required to be passed or taken by municipal officers, shall be sufficient if recorded as passed, or taken by "City Council".

The city council is hereby constituted the overseers of the poor of the City of Brewer and shall perform all duties required of overseers of the poor for cities by statute or otherwise. As such overseers of the poor they may authorize a clerk or agent to sign in their name and send written notices and the written answers referred to or required in ~~sections thirty-one and thirty-two of chapter thirty-three~~ of the Revised Statutes of 1954, chapter 94, sections 29 and 30, and such written notices and written answers, so signed, shall have the same effect as if signed by one or more of said overseers and sent by a member or members of said overseers personally.

~~All the powers of establishing a watch and ward, now vested by the laws of the state in the justices of the peace and municipal officers or inhabitants of towns, are vested in the said city council so far as relates to said city; and they are authorized to unite the watch and police departments into one department and establish suitable regulations for the government of the same.~~

All other powers now or hereafter vested in the inhabitants of said city, and all powers granted by this act, except as herein otherwise provided, shall be vested in said city council.

The said city shall continue to be divided for election purposes into 5 wards with the now existing boundaries; except that it shall be the duty of the city council, once in 10 years, and not oftener than once in 5 years, to revise and, if alteration is deemed necessary, to alter the boundaries of said wards in such manner as to preserve as nearly as convenient an equal number of inhabitants in each ward. **As required in the Revised Statutes of 1954, chapter 90-A, section 60, a change which has been made by the city council in the limits of the 5 wards becomes valid as soon as it is approved by the voters at the next city election.'**

Sec. 2. P. & S. L., 1931, c. 75, Art. II, § 5, amended. Section 5 of article II of chapter 75 of the private and special laws of 1931, as amended by section 2 of chapter 81 of the private and special laws of 1955 and by section 2 of chapter 101 of the private and special laws of 1957, is further amended to read as follows:

'Sec. 5. Meetings. The city council shall meet at the usual place for holding meetings at ~~ten o'clock A.M.~~ **7:30 P.M.** on the 2nd Monday in November next following the regular city election, at which time the councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the city clerk. At its first meeting, or as soon thereafter as may be, the city council shall establish by ordinance or resolve a time and place for holding its regular meetings, which shall be held at least once per month.'

Sec. 3. P. & S. L., 1931, c. 75, Art. III, § 2, repealed and replaced. Section 2

of article III of chapter 75 of the private and special laws of 1931 is repealed and the following enacted in place thereof:

‘Sec. 2. Chairman, how determined. At the first meeting annually, or as soon thereafter as possible, the school committee shall elect by majority vote of the entire committee one of its members as chairman of the school committee for the ensuing year, and the school committee may fill for the unexpired term any vacancy in the office of chairman that may occur. The chairman shall preside at all meetings of the school committee and shall have a vote as other members of said committee.’

Sec. 4. P. & S. L., 1931, c. 75, Art. V, § 2, amended. The first sentence of section 2 of article V of chapter 75 of the private and special laws of 1931 is amended to read as follows:

‘All appointive officers and boards, whose terms are not specified in this charter, shall hold office at the pleasure of the appointing power; ~~except that the tenure of office of policemen shall be as provided by section one of chapter one hundred twenty of the private and special laws of nineteen hundred seven-~~teen.’

Sec. 5. P. & S. L., 1931, c. 75, Art. V, § 10, amended. Section 10 of article V of chapter 75 of the private and special laws of 1931, as amended by section 6 of chapter 81 of the private and special laws of 1955, is further amended by adding at the end a new sentence, to read as follows:

‘The city council may authorize the Assessors of Taxes to appoint such number of assistant assessors as public necessity requires, according to the provisions of the Revised Statutes of 1954, chapter 90-A, section 58, subsection I.’

Sec. 6. P. & S. L., 1931, c. 75, Art. VI, § 6, amended. The 2nd paragraph of section 6 of article VI of chapter 75 of the private and special laws of 1931 is amended to read as follows:

‘The sinking fund shall be invested as provided by the Revised Statutes of the state 1954, ~~(chapter five 90-A, section ninety three sections 17 to 21,)~~ and all acts in addition thereto and in amendment thereof.’

Sec. 7. P. & S. L., 1931, c. 75, Art. VII, § 6, repealed. Section 6 of article VII of chapter 75 of the private and special laws of 1931 is repealed.

Sec. 8. P. & S. L., 1931, c. 75, Art. VII, §§ 7 and 8, renumbered. Sections 7 and 8 of article VII of chapter 75 of the private and special laws of 1931 are renumbered to be sections 6 and 7.

Sec. 9. P. & S. L., 1931, c. 75, Art. VIII, additional. Chapter 75 of the private and special laws of 1931 is amended by adding thereto a new article, to be numbered VIII, to read as follows:

‘ARTICLE VIII

INITIATIVE AND REFERENDUM

Sec. 1. How invoked. The submission to the vote of the people of any proposed ordinance, order or resolve, or of any ordinance, order or resolve enacted
Date

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. Any 20 registered voters of the City of Brewer may originate a petition putting in operation the initiative or the referendum, by signing such petition at the office of the City Clerk. Whenever requested by 20 such voters, the City Clerk shall prepare the proper petition with a copy of the ordinance, order or resolve to be submitted attached thereto, and upon its being signed by said 20 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 registered 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 attached to said petition shall amount to more than 10% of the total number of qualified electors registered to vote at the latest regular city election, the City Council shall immediately take the necessary steps to submit to the voters of the city, the question proposed in said petition: provided that in the case of the referendum, the entire repeal 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 BREWER CITY COUNCIL

For the Submission to the People of the Question

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

We, the undersigned, under oath, depose and say that we are duly qualified voters of the City of Brewer, residing respectfully 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 Brewer.

NAMES	RESIDENCES	DATE
.....
.....
.....

I,, the City Clerk of the City of Brewer, do solemnly affirm that I witnessed the signing of each of the above signatures and that, at the time of signing, I made certain that the person affixing his name thereto has reasonable knowledge of the purpose of the petition.

..... City Clerk

Sec. 3. Effect of referendum petition. Whenever there has been originated as aforesaid a petition for the reference to the people of any such ordinance, order or resolve passed by the city council, and the required number of valid signatures has been obtained thereon for its presentation to the city council, 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 an initiative or referendum petition with the required number of valid signatures is presented by the city clerk, 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 presentation, or the city council in its discretion may submit the matter at the next regular municipal election.

Sec. 5. Publication. Whenever any ordinance, order or resolve is required by the provisions of this article 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 should the city council deem it best, of the newspapers published in the City of Brewer or City of Bangor, 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 on such proposed ordinance, order or resolve shall set forth the title thereof in full and state its general nature, and shall contain the words: "For the ordinance, order or resolve" and "Against the ordinance, order or resolve."

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 5 days after the declaration of the official canvass of the return of said election.

Sec. 8. Conflicting ordinances, orders or resolves. 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 shall contain conflicting provisions, the ordinance, order or resolve receiving the highest number of votes at such election shall be paramount, and all question of construction shall be determined accordingly.

Sec. 9. Order upon the 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. Repeal of popular ordinances, orders or resolves enacted by the people. No ordinance, order or resolve proposed by petition and adopted by vote of the people shall be repealed or amended except by a vote of the people unless such ordinance, order or resolve shall otherwise expressly provide.

Sec. 11. Ordinances, orders or resolves submitted to popular vote. 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 election, and should such proposition receive a majority of the votes cast thereon at such election, such ordinance, order or resolve shall be enacted, repealed or amended accordingly.

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

Effective date; referendum. This act shall become effective ninety (90) days after the adjournment of this Legislature, unless a referendum petition, signed by twenty (20) registered voters of the City of Brewer, shall be filed with the City Clerk within thirty (30) days after such effective date. In the event that such referendum petition is filed, the City Clerk shall prepare ballots for use at the next municipal election with the following question thereon:

"Shall an Act revising the Charter of the City of Brewer be accepted"? and the voters shall indicate by a cross placed against the words "yes" or "no" their opinion of the same. The results shall be declared by the Councilmen and due certificate filed with the Secretary of State by the Clerk of said City.