

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1445

H. P. 997

House of Representatives, March 6, 1963

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

HARVEY R. PEASE, Clerk

Presented by Mr. Hanson of Gardiner.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Increasing Salary of Mayor, Providing Compensation of Councilmen and Providing Initiative and Referendum for City of Gardiner.

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

Sec. 1. P. & S. L., 1955, c. 44, Art. II, § 2, amended. The last sentence of section 2 of article II of chapter 44 of the private and special laws of 1955 is amended to read as follows:

'Each member, except the mayor, shall ~~serve without pay~~ receive an annual salary of \$250 and shall not be eligible while a member of the council to any office of emolument or profit under the city charter or ordinances, nor to hold the office of city manager, nor to act as city manager during the term for which he was elected.'

Sec. 2. P. & S. L., 1955, c. 44, Art. III, § 4, amended. Section 4 of article III of chapter 44 of the private and special laws of 1955 is amended to read as follows:

'**Sec. 4. Salary.** The salary of the mayor shall be fixed at ~~\$500~~ \$1,000 annually.'

Sec. 3. P. & S. L., 1955, c. 44, Art. VIII, §§ 1 and 2, repealed. Sections 1 and 2 of article VIII of chapter 44 of the private and special laws of 1955 are repealed.

Sec. 4. P. & S. L., 1955, c. 44, Art. VIII, §§ 3 - 6, renumbered. Sections 3, 4, 5 and 6 of article VIII of chapter 44 of the private and special laws of 1955 are renumbered to be sections 1, 2, 3 and 4.

Sec. 5. P. & S. L., 1955, c. 44, Art. VIII, renumbered. Article VIII of chapter 44 of the private and special laws of 1955 is renumbered to be article IX.

Sec. 6. P. & S. L., 1955, c. 44, Art. VIII, additional. Chapter 44 of the private and special laws of 1955 is amended by adding a new article VIII, as follows :

‘ARTICLE VIII

INITIATIVE AND REFERENDUM

Sec. 1. Power of initiative. The voters of the City of Gardiner shall have the power to propose any ordinance, except an ordinance appropriating money, authorizing the levy of taxes or setting the salary of municipal employees, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiative ordinance may be submitted to the council by a petition signed by 500 qualified voters.

Sec. 2. Power of referendum. The voters of the City of Gardiner shall have power to approve or reject at the polls an ordinance passed by the city council, or submitted by the council to a vote of the voters, such power being known as referendum. Ordinances submitted to the council by initiative petition and passed by the council shall be subject to the referendum in the same manner as other ordinances. Within 20 days after the enactment by the city council of any ordinance which is subject to a referendum, a petition signed by at least 500 registered voters of the City of Gardiner may be filed with the city clerk, requesting that any such ordinance be either repealed or submitted to a vote of the voters.

Sec. 3. Form of petitions. The petitions used to invoke the initiative and referendum shall be substantially in the following form :

“Petition to the Gardiner City Council for the Submission to the People of the Question: Shall the proposed ordinance, a copy of which is hereto attached, be adopted ?

We, the undersigned, under oath, depose and say that we are qualified voters of the City of Gardiner, residing respectively 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 Gardiner.

Names	Residences	Date
.....
.....

Name Street and Number
being duly sworn deposes and says that he is the circulator of the foregoing petition containing signatures and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

Signed:

Subscribed and sworn to before me, this day of
19.....

.....
Justice of the Peace
Notary Public.”

Sec. 4. Filing, examination and certification of petitions. All petition papers, comprising an initiative or referendum petition, shall be assembled and filed with the city clerk as one instrument. Within 20 days after a petition is filed, the city clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters. After completing his examination of the petition, the city clerk shall certify the result thereof to the city council at its next regular meeting. If he shall certify that the petition is insufficient, he shall set forth in his certificate the particulars in which it is defective and shall at once notify the circulator of the petition as to his findings.

Sec. 5. Amendments of petitions. Any initiative or referendum petition may be amended at any time within 10 days after the notification of insufficiency has been sent by the city clerk, by filing a supplementary petition upon additional papers signed and filed as provided in the case of an original petition. The finding of the insufficiency of a petition shall not prejudice filing of a new petition for the same purpose.

Sec. 6. Effect of certification of referendum petitions. When a referendum petition, or amended petition, has been certified as sufficient by the city clerk, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until or unless approved by the voters, as hereinafter provided.

Sec. 7. Consideration by council. Whenever the city council receives a certified initiative or referendum petition from the city clerk, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provisions shall be made for a public hearing upon the proposed ordinance. The council shall take final action on the ordinance not later than 60 days after the date on which such ordinance was submitted to the council by the city clerk. A referred ordinance shall be reconsidered by the council and its final vote upon such reconsideration shall be upon the question, "Shall the ordinance specified in the referendum petition be repealed?" In the case of referendum the entire repeal of the ordinance sought to be referred, and in the case of the initiative, the passage by the city council of the desired ordinance shall put an end to all proceedings under said petition.

Sec. 8. Submission to voters. If the city council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the city council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electorate not less than 15 days nor more than 6 months from the date the council takes its final vote thereon. The city council may, in its discretion and, if no regular election is to be held within such period, shall provide for a special election.

Sec. 9. Publication. Whenever any ordinance is required by 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 or having a general circulation in the City of Gardiner, such publication to be made not less than 10 days nor more than 20 days prior to the election.

Sec. 10. Form of ballot. The ballots used when voting on such a proposed ordinance shall set forth the title thereof in full and state its general nature; it shall contain the words: "For the Ordinance" and "Against the Ordinance."

Sec. 11. Results of the election. If a majority of the voters voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the city. A referred ordinance which is not approved by the majority of the voters voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the voters at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Sec. 12. Publication of ordinances. Initiative and referendum ordinances adopted and approved by the voters shall be published as in the case of other ordinances.'

Sec. 7. Referendum; effective date. This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the City of Gardiner at the next regular city election to be held on the last Tuesday in November.

The city clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following questions:

1. Shall the salary of the mayor be increased and shall compensation for the members of the city council be provided?

2. Shall initiative and referendum for ordinances be provided?

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

Upon its acceptance by a majority of the legal voters voting at said city election, this act shall take effect for all the purposes hereof on January 1, 1964; provided that the total number of votes cast for and against the acceptance of this act at said election equaled or exceeded 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 Gardiner and due certificate thereof shall be filed by the city clerk with the Secretary of State.'