

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

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Legislative Document

No. 1515

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H. P. 1109

House of Representatives, May 4, 1965

Reported by Mr. Boissonneau, from Committee on Legal Affairs. Printed under Joint Rules No. 10.

JEROME G. PLANTE, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-FIVE

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AN ACT Amending Certain Provisions of the Charter of the Town of Old Orchard Beach.

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

Sec. 1. P. & S. L., 1961, c. 153, Art. II, § 5, repealed and replaced. Section 5 of Article II of chapter 153 of the private and special laws of 1961 is repealed and the following enacted in place thereof:

‘Sec. 5. Officers, how elected. The town shall elect by Australian Ballot annually, 5 district councilmen, elected-at-large, who shall reside in the district from which he has obtained sufficient signatures for his name to appear on the ballot to represent said district. The town shall elect in the same manner 2 councilmen-at-large for a one-year term. The councilman-at-large elected at the annual election in December, 1964, for a 2-year term, shall continue in office until the end of his term.

Whenever the office of any councilman shall become vacant by death, resignation or other disability, the remaining councilmen, by a majority vote of those present at a regular meeting, may elect a councilman to complete the unexpired term from said district or councilman-at-large as the vacancy may warrant.

Except as otherwise provided by this chapter all elections shall be held in accordance with the general law, and all candidates for office must qualify to have their names placed on the official ballot in the following manner:

Candidates for district councilman must obtain the signatures of at least 25 qualified registered voters from within their district.

Candidates for all other public office must obtain the signatures of at least 75 qualified registered voters of the town.

**Sec. 2. P. & S. L., 1961, c. 153, Art. II, § 7, additional.** Article II of chapter 153 of the private and special laws of 1961 is amended by adding a new section 7 to read as follows:

**'Sec. 7. Superintending school committee.** The superintending school committee shall be composed of 3 members.'

**Sec. 3. P. & S. L., 1961, c. 153, Art. III, § 4, amended.** Section 4 of Article III of chapter 153 of the private and special laws of 1961 is amended to read as follows:

**'Sec. 4. Compensation.** Each councilman for the per year 1962 shall receive the sum of \$250. ~~Each year thereafter, the compensation of the councilmen shall be fixed by the town meeting membership.~~ Subject to the right of the town meeting membership to fix salaries and wage scales, ~~the~~ The town council shall fix the salaries of all other town officials and employees, except those employees coming under the jurisdiction of the superintending school committee and the park commission.'

**Sec. 4. P. & S. L., 1961, c. 153, Art. III, § 12, repealed and replaced.** Section 12 of Article III of chapter 153 of the private and special laws of 1961 as amended by section 2 of chapter 125 of the private and special laws of 1963, is repealed and the following enacted in place thereof:

**'Sec. 12. Council; corporate powers.** The town, after the acceptance of the charter, shall continue to have the capacity to act through and to be bound by its town council, who shall, when convened from time to time as herein provided, exercise exclusively, so far as will conform to the provisions of this charter, all powers vested in the municipal corporation. Action in conformity with all provisions of law now or hereafter applicable to the transaction of town affairs in town meeting shall, when taken by any town council in accordance with the provisions of this charter, have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town as organized and conducted before the establishment of manager-town council government.'

**Sec. 5. P. & S. L., 1961, c. 153, Art. III, § 13, sub-§ d, additional.** Section 13 of Article III of chapter 153 of the private and special laws of 1961 is amended by adding a new subsection d, to read as follows:

**'d. Prepare a budget to present to the town council on the first Monday in February, and it shall contain:**

**Exact statement of the financial condition of the town as of December 31st of the preceding year.**

**An itemized statement of appropriations recommended for current expenses and for permanent improvements; with comparative statements in parallel columns of expenditures for the current and next preceding fiscal year. An increase or decrease in any item shall be indicated by a separate column therefor.**

**An itemized statement of estimated revenue from all sources other than taxation; and a statement of taxes required with comparative figures from the current and next preceding year.**

**Such other information as may be required by the town council.'**

**Sec. 6. P. & S. L., 1961, c. 153, Art. III, § 18, amended.** Section 18 of Article III of chapter 153 of the private and special laws of 1961 is amended to read as follows:

**'Sec. 18. Appropriations lapse at end of fiscal year.** Except as otherwise provided by law, all appropriations shall lapse at the end of the fiscal year; and all surpluses shall be appropriated ~~at the next annual town meeting by the town council during the ensuing fiscal year.'~~

**Sec. 7. P. & S. L., 1961, c. 153, Art. III, §§ 21, 22, additional.** Article III of chapter 153 of the private and special laws of 1961 is amended by adding 2 new sections to read as follows:

**'Sec. 21. Power of initiative.** The voters of the Town of Old Orchard Beach shall have the power to require the town council to assemble in a special meeting and to require of the council to insert as part of their agenda for said special council meeting or regular council meeting, any act, article, resolution or order of their choosing by petition to the council requesting the same and containing at least 300 signatures of registered voters of the town. If, after receiving such petition, the council unreasonably refuses to call said special council meeting or insert said act, article, resolution or order on their agenda for a special council meeting or regular council meeting, the voters may, by petition of not less than 300 registered voters of the town, apply in writing to a justice of the peace in the county, who may issue his warrant for calling such meeting.

**Sec. 22. Recall.** The power of recall of elective officers shall be in accordance with the Constitution and the general laws of the State of Maine.'

**Sec. 8. P. & S. L., 1961, c. 153, Art. VI, repealed.** Article VI of chapter 153 of the private and special laws of 1961, as amended, is repealed.

**Sec. 9. Effective date of section 2.** Section 2 shall become effective 90 days after adjournment of the Legislature.

**Sec. 10. Referendum; effective date; certificate to Secretary of State.** This Act, except section 2, shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the qualified voters of the Town of Old Orchard Beach at a special meeting to be called by the councilmen and held no later than 30 days after the effective date of this Act. Such special meeting shall be called, advertised and conducted according to the law relating to municipal elections, provided that the registrar of voters shall not be required to prepare for posting, nor the town clerk to post, a new list of voters, and for the purpose of registration of voters said registrar of voters shall be in session the 3 secular days next preceding said election, the first and 2nd days thereof to be devoted to registration of voters and the last day to enable him to verify the corrections of said lists and to complete and close up its records for the session.

The town clerk shall prepare the required ballots as follows:

## Form of Ballot

Place an X or check mark  $\checkmark$  in the square after the form of charter which you select. Mark only one form or your ballot will not be counted.

## Forms of Charter

- Plan 1. Present form of charter with manager, town council, made up of 7 councilmen of which 5 councilmen represent and are elected by districts on an annual basis and 2 councilmen elected-at-large for a 2-year term and a representative town meeting.
- Plan 2. Form providing for a manager, town council, made up of 7 councilmen of which 5 councilmen are elected-at-large but representing districts and 2 councilmen elected-at-large without regard to district lines, all 7 councilmen to serve for one year and no representative town meeting.

If a majority of the valid ballots shall favor the adoption of Plan 2, so-called, on said ballot, then this Act shall take effect immediately, except that the officers, including town meeting members, shall serve until the expiration of their respective terms, provided that the total number of votes cast equaled or exceeded 20% of the total votes cast in said town for all candidates for Governor at the next previous gubernatorial election.

The result of the votes shall be declared by the municipal officers of the Town of Old Orchard Beach and due certificate thereof filed by the town clerk with the Secretary of State.