

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1790

S. P. 697

In Senate, January 17, 1966

The Committee on Legal Affairs suggested.

EDWIN H. PERT, Secretary

Presented by Senator Boisvert of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SIX

AN ACT Providing a New Charter for the City of Lewiston.

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

ARTICLE I

Grant of Powers to the City

**Sec. 1. City of Lewiston incorporated.** The inhabitants of the City of Lewiston shall continue to be a body politic and corporate by the name of the City of Lewiston, and shall have, exercise, and enjoy all the rights, immunities, powers, privileges and franchises and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said city as a municipal corporation, or to the inhabitants or municipal authorities thereof; and may enact reasonable bylaws, regulations and ordinances for municipal purposes, not inconsistent with the Constitution and laws of the State of Maine, and impose penalties for the breach thereof, not exceeding \$20 in any one case, to be recovered to the use of said city on complaint or by other appropriate action before the District Court having jurisdiction over the inhabitants of the said city.

**Sec. 2. Form of government.** The municipal government provided by this charter shall be known as the mayor-council administrator form of government. All powers of the city, subject only to the limitations imposed by the Constitution and statutes of the State of Maine and by this charter, shall be vested in the mayor, who shall execute the laws and administer the government of the city, and an elective council, which shall enact local legislation and determine policies. The mayor shall be aided by an administrative assistant, who shall be termed the administrator; in the performance of his duties, the administrator shall be responsible to the mayor.

**Sec. 3. Powers.** The city shall have all powers possible for a city to have under the Constitution and laws of this State as fully and completely as though they were specifically enumerated in this charter.

**Sec. 4. Construction.** The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention at particular powers in the charter shall not be construed as limiting in any way the general power stated in this article.

## ARTICLE II

### The Mayor

#### The Administrator

**Sec. 5. Qualifications.** The mayor shall be an inhabitant of the city and a registered voter therein.

**Sec. 6. Election and term.** The mayor shall be elected by the inhabitants of the city, voting in their respective wards, as provided in Article VIII of this charter. His term of office shall be 2 years commencing with his induction into office on the first business day of January next following his election and until his successor is elected and inducted. No person shall be eligible to the office of mayor for more than 2 terms in succession.

**Sec. 7. Salary.** The salary of the mayor shall be \$5,200 per year unless and until changed by ordinance. The council shall not change the salary of any mayor except prior to the general municipal election and to take effect at the beginning of the next term of office for mayor.

**Sec. 8. Vacancy in office of mayor.** The office of mayor shall be deemed vacant in case of failure to qualify within 14 days after notification of election or by reason of death, resignation, removal from office, removal from the city, continuous absence from the city for more than 31 days, conviction of a felony, or violation of any of the duties of office which, by the provisions of this charter, render the office vacant. (Method of naming mayor, if vacancy occurs, to be decided.)

**Sec. 9. Powers.** The mayor shall be the Chief Executive Officer and head of the administrative branch of the city government. The mayor shall:

(a) Preside at the meetings of the council and recommend to the council such measures as the business and interest of the city, in his opinion, require, but he shall vote only in case of a tie.

(b) Have the power to veto any ordinance, order or resolution, excepting rules or orders of a parliamentary character and any ordinance revising ward boundaries; also shall have power to veto any severable portion of any appropriation order, without affecting the validity of the remainder of the order. If the mayor disapproves of any such measure, he shall return it with his written objections at the next regular meeting of the council, which shall proceed to reconsider the same. If upon such reconsideration, it shall be passed by a vote of not less than 6 members of the council, it shall have the same validity as if signed by the mayor.

(c) Call special meetings of the council, when necessary, by notice in a newspaper having general circulation in the city, or by causing a summons or notification to be given in hand, or left at the usual dwelling place of each member thereof.

(d) See that the provisions of this charter, the ordinances of the city and all laws are enforced.

(e) Exercise directly, or with the assistance of the administrator, supervision of all of the executive and administrative work of the city and provide for the coordination of administrative activities. Neither the council, nor any of its members, shall direct or request the appointment of any person to, or his removal from, office by the mayor or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city except as otherwise provided in this charter. Neither the council, nor any member thereof, shall give orders to any subordinate of the mayor either publicly or privately.

(f) Appoint the administrator.

(g) Appoint the corporation counsel and the members of all boards and commissions established by ordinance pursuant to this charter.

(h) Submit by the first day of February of each year, to the council for its consideration and approval, an operating and a capital budget.

(i) Sign contracts, bonds or other instruments requiring the assent of the city, except those which other officers are authorized to sign.

(j) See that the terms and conditions of all contracts are faithfully executed.

(k) Upon service of notice, summons or process upon him, in any action or proceedings against the city, notify the city clerk and forthwith inform the council thereof in writing.

(l) Exercise such other powers and perform such other duties as may be prescribed by this charter, by ordinance or by applicable state law.

**Sec. 10. Administrator.** There is hereby established the office of administrator, who shall be appointed by the mayor for an indefinite term and may be removed by the mayor at his pleasure. The administrator shall be the mayor's principal assistant. He shall be appointed solely on his ability to perform the duties and functions of his office, as set forth in this charter, and shall have had during the 10 years immediately preceding his appointment, at least 5 years of successful experience as an executive or administrator such as would qualify him for the performance of these duties. He shall be a graduate of an accredited professional school of public administration. Should the mayor fail to appoint an administrator within 90 days of the effective date of this Act, or within 90 days of the occurrence of any vacancy in the position, the council shall make the appointment of an individual meeting the qualifications set forth in this charter. The mayor may assign any other officer or employee of the city to perform the duties of the administrator during the vacancy of that office or absences or disability of that officer. The administrator shall, during his tenure of office, reside within the city.

**Sec. 11. Salary of administrator.** The appointed administrator shall be paid a salary of not less than \$12,500 per year and in an amount to be fixed by the mayor with the approval of the council. The council shall not decrease the salary of the incumbent administrator.

**Sec. 12. Powers and duties of the administrator.** The administrator, under the supervision of the mayor and subject to direction by the mayor, shall:

(a) Supervise the heads of all departments, except the city auditor and the corporation counsel.

(b) Appoint and remove, with the approval of the mayor, the heads of all departments and administrative officers of the city, except the corporation counsel.

(c) Inform himself and keep the mayor advised concerning the activities of all offices, departments and boards and make, or cause to be made, investigations and studies of the internal organization and procedure of any office or department, and may require such reports from any of them which he deems necessary.

(d) Prescribe accepted standards of administrative practice to be followed by all offices and departments.

(e) Recommend to the council through the mayor, a pay plan and a municipal civil service program as specified in Article V of this charter.

(f) Prepare the annual operating and capital budgets and supervise the execution of budget ordinances.

(g) Make information available to the mayor, the council and the public concerning the current status of the financial affairs of the city and all offices, departments and boards receiving appropriations from the city.

(h) Attend meetings of the council at its request, and make available such information as it may require.

(i) Supervise and be responsible for the disbursements of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded.

(j) Supervise and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the city government.

(k) Perform all other duties required of him by this charter, or by ordinance or assigned to him in writing by the mayor. The mayor, by prior written notice directed to the administrator, may relieve the administrator of any duties, powers or responsibilities granted him by the terms of this charter. Such written notice, signed by the mayor, shall be filed with the city clerk as a document of public record.

**Sec. 13. Limitation of political activity of administrator.** The administrator is forbidden to use his official authority or influence for the purpose of interfering with an election or a nomination for municipal office or affecting the result

thereof, or directly or indirectly to coerce, attempt to coerce, command or advise any other appointed municipal officer or servant or employee, to pay, lend or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency or person for political purposes. The administrator is forbidden to make any such contributions for political purposes. The administrator is forbidden to take any active part in political management or in political campaigns. The sole grounds for removal of the administrator and his discharge from office by the council shall be a finding by the council, based on due proof submitted to the council at a public hearing held upon notice for that purpose, that the administrator has been guilty of malfeasance in office, or has violated the terms of this charter restricting his political activity.

### ARTICLE III

#### The Council

**Sec. 14. Number; term.** The council shall have 9 members, one elected from each ward, as provided in Article VIII of this charter and 2, to be designated as aldermen-at-large, to be elected in the same manner as the mayor. They shall serve for a period of 2 years and until their successors are elected and qualified.

**Sec. 15. Qualifications.** Aldermen shall be inhabitants of the city and shall have been legal voters for at least 1 year of the ward wherein they are chosen, qualified to vote therein, except that aldermen-at-large need only be duly registered voters of the city.

**Sec. 16. Compensation.** The members of the board of aldermen shall receive as full compensation for the performance of their official duties as aldermen, the sum of 20 dollars for each meeting of the city council which they shall attend provided that no alderman shall be paid an amount in excess of \$1,000 for such attendance during any one fiscal year.

**Sec. 17. Vacancies.** In the event of a vacancy in the office of alderman, the remaining members of the board shall elect a successor for the unexpired term who shall be an inhabitant of the ward in which the vacancy exists, qualified to vote therein; and in the event of more than 4 vacancies in the office of alderman existing at the same time, the city clerk shall forthwith issue his warrant for a new election to fill such vacancies.

**Sec. 18. Meetings.** 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 the first meeting the council shall establish by ordinance or resolution, a regular place and time for holding its meetings, and shall meet regularly at least twice a month.

**Sec. 19. Organization.** The alderman-at-large who receives the largest number of votes at the last general election shall be designated chairman of the board of aldermen. The chairman shall preside at all meetings of the council in the

absence of the mayor. In the absence of the mayor and the chairman, the council shall choose a chairman, pro tempore, who shall exercise the powers of a permanent chairman. The council shall determine its own rules and order of business. At any meeting of the council, 5 members shall constitute a quorum, but a less number may adjourn from time to time. The council shall provide, by ordinance, a means by which a minority may compel the attendance of absent members. Special meetings of the council may be called by the mayor, or in his absence, by the chairman of the council, and shall be called by the chairman upon petition of a majority of all members of the council. All councilmen, including the chairman, shall be entitled to vote in the council at all times. Any administrative officer of the city in matters relating to the functions of his office, and the mayor at all times shall have the right to attend any meeting of council, of any of its committees, and may express his views on matters pending before the council; the mayor shall have no right to introduce any motion, resolution or ordinance, or amendment thereto, nor to vote thereon, except in case of a tie. The manner in which each member of the council votes upon all propositions shall be entered upon the journal of the proceedings. The city clerk shall be secretary of the council. The clerk shall give notice of council meetings, shall keep the journal of its proceedings, shall authenticate by his signature and record in full in a book kept for the purpose all ordinances, orders and resolutions and shall perform such other duties as shall be required by this charter or by ordinance.

**Sec. 20. Powers.** All legislative powers of the city shall be vested in the city council and shall be exercised by it in the manner and subject to the limitations set forth in this charter. Without limitation to the foregoing, the council shall have power to:

(a) Adopt the annual budget of the city for the year beginning on the first day of January and appropriate money for all city purposes. 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 at least 48 hours prior thereto. The council shall adopt the budget on or before the first day of April for the current calendar year. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the preceding year shall be deemed adopted for the current year on a month-to-month basis, with all items in it pro-rated accordingly, until such time as the council adopts a budget for the current year.

(b) Authorize the issuance of bonds by a bond ordinance.

(c) Establish administrative departments pursuant to the provisions of this charter, establish appropriate minimum qualifications for department heads, establish and revise the administrative code by ordinance.

(d) Adopt, upon recommendation of the mayor, a pay plan for all persons employed by the city, except those whose compensation is fixed by this charter, by state statute, or in accordance with section 45 of this charter, and adopt the rules and regulations of a municipal civil service pursuant to the civil service provisions of this charter.

(e) Provide, by ordinance, for appropriate boards or commissions as it shall deem advisable to serve in an advisory capacity, or to perform quasi-judicial functions, or to act as board of appeal in the administration of regulatory ordinance.

(f) Conduct investigations of the operation of any office or department administering the affairs of the city, or on any subject upon which it may legislate.

(g) Authorize, by ordinance, executive and administrative officers of the city to issue licenses and permits.

(h) Authorize, by ordinance, executive and administrative officers of the city to make contracts involving less than \$2,000 pursuant to duly enacted appropriation orders.

(i) Establish, by ordinance, fines and penalties for the violation of its ordinances.

(j) It shall be the duty of the city council each 10th year commencing with the year 1951 to review, and if needful to alter, the ward lines in such manner as to preserve as nearly as may be an equal number of voters in each ward.

(k) The municipal officers of the City of Lewiston are hereby authorized to enact ordinances regulating the following classes of persons, businesses, and purposes and may authorize the city clerk of said city to grant licenses and permits therefor for such periods of time and in accordance with such rules and regulations not inconsistent with law, and upon payment by the licensee of such fees, and filing of such bonds as said municipal officers may establish and make provisions for by ordinance, to wit: Auctioneers, the maintenance and operation of garages, filling stations, sidewalk tanks and pumps for the sale of or distribution of gasoline and other volatile inflammable liquids for fuel or power, the manufacture, storage, sale, transportation, disposition and use of explosives and flammable liquids, billiard tables, pool tables, bowling alleys, roller skating rinks, junk dealers, dealers in secondhand merchandise, hawkers and peddlers, employment agencies, itinerant vendors, dealers in secondhand parts and salvage of automobiles, public automobiles, taxicabs and motor buses, public wagons and trucks, amusements, exhibitions and performances, theaters, moving picture houses, inns, victualers, pawnbrokers, lodging houses, public shooting galleries, the manufacture, storage, sale, disposition and use of fire-works, dance halls, circuses, and the erection and maintenance of signs, flags, banners, awnings, marquees and all other things within the limits of the sidewalks, roads, ways and streets of said city, and no such objects placed within said limits in accordance with such ordinances shall be deemed defects in such sidewalks, roads, ways and streets. The municipal officers may, by ordinance, assign the duty of approving the issuing of licenses to appropriate city departments.

**Sec. 21. Ordinances.** Except as in this charter otherwise provided, all legislation and appropriations of money shall be by ordinance or by order save that where obligations have been incurred by ordinance or order payment thereof may be ordered by resolution, and save also that licenses may be granted



by resolution, and the powers conferred by Article VII hereof exercised by resolution. All amendments and repeals of ordinances shall be by ordinance. Every ordinance and order shall be set out clearly in the title thereof, and no ordinance or order, except one making appropriation, shall contain more than one subject. Ordinances or orders making appropriations shall be confined to the subject of appropriations. The enacting clause of all ordinances shall be in the words, "Be it enacted by the city council of the City of Lewiston, as follows: "

**Sec. 22. Ordinances.** The power to enact, amend or repeal ordinances shall vest in the city council. Every ordinance, before final passage, shall be published marked "City of Lewiston, Proposed Ordinance" in the daily newspapers published in Lewiston at least 72 hours before the meeting at which such action is taken and shall take effect at the expiration of 30 days after it shall have been approved by the mayor by his affixing his signature thereto, except an emergency ordinance which shall become effective immediately after the mayor's signature is affixed. Every ordinance shall require on final passage the affirmative vote of at least 5 aldermen, except emergency ordinances which shall require the affirmative vote of at least 6 aldermen. The foregoing provisions shall govern procedure for the amendment or repeal of an ordinance; provided, however, that for the repeal of an ordinance the publication of such ordinance shall be by title only. Ordinances, orders and resolutions adopted by the council shall be submitted to the mayor and he shall, within 10 days, either approve the same by affixing his signature thereto, or return it to the secretary of the council with his written objections, and at the next meeting the council shall proceed to reconsider the same. No ordinance, order or resolution shall take effect without the mayor's approval unless the mayor fails to return the ordinance, order or resolution to the secretary of the council within 10 days after it has been presented to him, or unless the council upon reconsideration thereof at the next meeting following its return by the mayor, shall by a vote not less than 6 of the members thereof resolve to override the mayor's veto.

**Sec. 23. Record.** Every ordinance, after its enactment, shall be recorded in a book kept for that purpose, which record shall be preserved in the office of the city clerk.

**Sec. 24. Independent annual audit.** Prior to the end of each fiscal year the council shall designate a certified public accountant who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the city government and shall submit a report to the council. Such accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the city government. He shall not maintain any accounts or records of the city business.

## ARTICLE IV

### Administrative Organization

**Sec. 25. Documents.** The administration of the city shall be distributed among the following departments: Finance, Records, Public Works, Public Health, Public Safety, Welfare or other such departments as may be established by ordinance of the city council.

**Sec. 26. Each department headed by director.** Each department shall be headed by a director or appropriate city officer, who shall have control and direction of the department subject to the general supervision of the administrator. The head of each department shall, with the approval of the administrator, have the power to appoint and remove all officers and employees of the department, subject to the civil service provisions of this charter. Two or more departments may be headed by the same individual, and the administrator may head one or more departments, provided that there always be designated a city clerk and a tax assessor, who may or may not be heads of departments. Each department head shall possess the necessary qualifications to ensure efficient administration of such department. The director of public works shall be, or shall appoint to his department, a registered civil engineer to serve as city engineer. The director of public health shall be, or shall appoint to his department, a doctor of medicine or osteopathy licensed to practice in the State of Maine, to serve as city physician, and he shall be or shall appoint a duly qualified health officer.

**Sec. 27. Clerk.** The clerk shall be the secretary of the council. He shall perform such duties as are usually performed by clerks of municipal corporations, and all such as are required by the laws of the State, and by this charter, and, in addition, shall perform all such other duties as are required of him by the council. He shall be the custodian of the official seal of the city, and shall be the director of the records department.

**Sec. 28. Tax assessor and board of assessment review.** There shall continue to be under the provisions of this charter a tax assessor and a board of assessment review as provided by the laws of the State of Maine.

**Sec. 29. Corporation counsel.** The mayor shall appoint a corporation counsel who shall be admitted to practice in all the courts of the State of Maine. He shall be the legal advisor of the council and of the officers of the city. He shall, under the direction of the council, prosecute all suits for, and defend all suits brought against the city, and shall prosecute all persons accused of any violation of the city ordinances. He shall perform such other and further duties as are required by the laws of the State, by the provisions of this charter, or by the council. In special cases, the council may authorize or require him at the expense of the city, to secure the advice or service of such additional counsel as may be deemed best.

**Sec. 30. City auditor.** The administrator with the approval of the mayor, shall appoint a city auditor who shall have a knowledge of accounting. He shall have charge of and maintain the accounting records of the city and to that end he shall have authority to and shall be required to:

(a) Maintain a general accounting system for the city government and each of its offices, departments and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require

reports of receipts and disbursements from each receiving and spending agency of the city to be made daily or at such intervals as he may deem expedient.

(b) Submit to the council through the mayor, at least quarterly, a statement of all receipts and disbursements.

(c) Keep all books, papers and vouchers belonging to his department at all times open and readily accessible.

(d) Prepare annually, as of the end of the fiscal year a complete financial statement and report.

**Sec. 31. Salaries of officers and employees.** All persons employed by the city, whether officers or otherwise and paid either in part or in whole by appropriations made by the council, except those under the supervision of the board of education and those whose compensation is fixed by this charter or by statute, shall be compensated only in accordance with a pay plan or plans recommended by the mayor and adopted by ordinance. For employees subject to the civil service provisions of this charter, such pay plan shall conform to the classification established thereunder.

**Sec. 32. Boards and commissions.** The council may provide, by ordinance, for appropriate boards or commissions, as it shall deem advisable, to serve in an advisory capacity, or to perform quasi-judicial functions, or to act as a board of appeal in the administration of regulatory ordinances. Members of such boards shall be appointed by the mayor with the approval of a majority of the council, and may be removed for cause, after a hearing, by a 2/3 vote of the council. Members of such boards shall be appointed for definite and overlapping terms. More than one political party shall be represented in the membership of such boards. Appointive members of such boards shall not hold any other public office, the salary of which is payable by the city.

**Sec. 33. Qualification of city officers; bonding.** The clerk shall notify every person elected or appointed to a city office of his election or appointment within 3 days thereafter, requesting him to qualify for office by signifying in writing to the city clerk his willingness so to serve within 14 days from the date of such notification. Every city officer, elected or appointed, shall be duly sworn to the faithful and impartial performance of the duties of his office, by any person authorized to administer oaths, before he enters upon the discharge of same, and a record of such oath shall be made in the office of the clerk. When required, the officer shall give such bond as the council shall determine, unless otherwise provided by law or ordinance.

**Sec. 34. Prohibitions.** No officer or employee of the city shall solicit or receive any pay, commission, money or thing of value, or derive any benefit, profit or advantage, directly or indirectly from, or by reason of any improvement, alteration or repair required by authority of the city, or any contract to which the city shall be a party, except his lawful compensation or salary as such officer or employee. A violation of any of the provisions of this section shall disqualify the offender to continue in office or employment of the city, and he shall be removed therefrom.

## ARTICLE V

### Civil Service

**Sec. 35. Merit basis of appointment.** Appointments and promotions in the administrative service of the city shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination. To carry out this purpose, there shall be a director of personnel who shall be the administrator.

**Sec. 36. Rules and Regulations.** The director of personnel, as soon as practicable after the effective date of this charter, shall prepare and recommend to the council such rules and regulations as he may consider necessary, appropriate or desirable to carry out the provisions of this article and shall provide for the classification of all employees except the following: Officers whose salaries are fixed by this charter or by statute, directors of departments and those officers mentioned in Article IV of this charter, administrators and teachers of the public school system, all elective officers and members of non-salaried boards or commissions, special policemen, detectives or other temporary employees. The rules and regulations shall provide for open competitive and free examination as to fitness, for an eligibility list from which vacancies shall be filled; for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record. These rules and regulations shall become effective when approved by the council and shall be applied by the director of personnel. Employees whose jobs are classified under the provisions of this article and who are employed by the city at the time of the adoption of this charter shall retain their positions, unless removed for cause.

**Sec. 37. Civil service board.** There is hereby established a civil service board, which shall consist of 3 members whose term of office shall be for 6 years, except that of the members first appointed one shall be appointed to serve for 4 years and one for 2 years. Appointments shall be made by the mayor with the approval of a majority of the council, and vacancies in an unexpired term shall be filled by appointment for the remainder of the term. A member of the board may be removed only for cause by a vote of not less than 5 members of the council, after a public hearing. Each member of the civil service board shall be a qualified elector of the city. He shall, during his term of office, neither hold nor be a candidate for any other public office or position, and shall not be a member of any local, state or national committee of a political party or an officer in any partisan political club or organization. The board shall advise the director of personnel and the council on matters pertaining to personnel administration within the scope of this article; make any investigation which it may consider desirable concerning the administration of personnel in the municipal service; recommend to the council any amendments to the rules and regulations mentioned in section 36 above; report to the council at least once each year of its findings, conclusions and recommendations; hear appeals in case any officer or employee in the classified service is suspended, reduced or removed, and report in writing to the mayor of its findings which shall be final; and perform such other duties with reference to the provisions of this article as the council may require by ordinance. All such hearings shall be public.

**ARTICLE VI****City Finances**

**Sec. 38. Treasurer.** There shall be a department of finance, the head of which shall be the treasurer who shall be appointed by the administrator. The treasurer shall provide a bond with such surety and in such amount as the council may require by ordinance. The treasurer shall be the custodian of the funds of the city. He shall be the tax collector and shall collect all taxes, special assessments, license fees and other revenues of the city and receive all money receivable by the city. The treasurer shall sign all checks issued by the city.

**Sec. 39. Collection and custody of city moneys.** All moneys received by an officer, employee or agent of the city belonging to the city, or for or in connection with the business of the city, shall daily be paid by the officer, employee or agent receiving the same into the city treasury, and shall then be deposited by the treasurer with a banking institution to be chosen by the council. All interest from all deposits of money belonging to the city shall accrue to the benefit of the city.

**Sec. 40. Disbursement of money; prohibitions.** All disbursements, except principal and interest on bonds and certificates of indebtedness, shall be made only upon the order of the administrator countersigned by the mayor, and approved by the auditor. Every such order shall specify the purpose for which the disbursement is made and the fund out of which it is to be paid. No such order shall be issued unless the administrator shall certify that there is an unencumbered balance of money sufficient to pay the same in the fund out of which it is to be paid. The administrator shall examine all payrolls, bills and other claims against the city and shall issue no order for payment until he finds that the claim is in proper form, correctly computed and legally due and payable. Any officer of the city violating any provision of this section shall be personally responsible for the amount of such payment if any is made contrary to the provisions hereof. Nothing in this section, however, shall prohibit the council from authorizing interdepartmental transfers of funds previously appropriated.

**Sec. 41. Making of bids and letting of contracts.** The council shall regulate the making of bids and the letting of contracts by ordinance subject to the following conditions:

(a) In all cases of work to be done by contract or the purchase of property of any kind, or the rendering of any service, to the city other than professional services, competitive bids shall be secured before any purchase is made or any contract awarded, provided, however, that competitive bids need not be required when the contract, purchase, or rendering of service does not exceed \$200.

(b) All bids shall be solicited by public advertising notice and by mail to known prospective bidders.

(c) All bids shall be sealed when received and shall be opened in public at the hour stated in the notice; and all original bids, together with all documents pertaining to the award of the contract, shall be retained and made a part of the permanent file or record and shall be open to public inspection.

(d) The awarding of contracts of \$2,000 or less may, by ordinance, be delegated to administrative officers. Contracts involving more than \$2,000 shall be awarded only after authorization by the council.

(e) The council may reject, or by ordinance authorize administrative officers to reject, any and all bids.

(f) Contracts shall be let to the lowest responsible bidder and purchases shall be made from the responsible bidder who offers to furnish the article desired for the lowest sum.

(g) In determining the lowest responsible bidder, in addition to price, the following may be considered:

(1) The ability, capacity and skill of the bidder to perform the contract or provide the service required.

(2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.

(3) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

(4) The quality of performance of previous contracts or services.

(5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.

(6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.

(7) The quality, availability and adaptability of the supplies or contractual services to the particular use required.

(8) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

(9) The number and scope of conditions attached to the bid.

(h) Specifications shall not be so prepared as to exclude all but one type or kind but shall include competitive supplies and equipment, and competitive bids shall be secured before purchase by contract or otherwise is made. Unique or non-competitive articles which are determined by the administrator, subject to the approval of the council, to be sufficiently superior for the service intended by the city, may be purchased without regard to other bids.

**Sec. 42. Borrowing in anticipation of taxes, and bond issues.** During any fiscal year the council may by resolution authorize the borrowing of money in anticipation of receipts from taxes, but the aggregate amount of such borrowing at any one time shall not exceed 80% of the revenue received from taxes during the preceding fiscal year. All such money borrowed shall be repaid out of receipts from taxes for the fiscal year in which the money is borrowed. Money may be borrowed in anticipation of money to be received from the sale of bonds to be issued, in case such bond issue has been authorized; all such

money borrowed shall be repaid within one year and shall be subject to the provisions of the laws of the State of Maine in relation thereto.

**Sec. 43. Bond issues.** Money may be borrowed, within the limits fixed by the Constitution and statutes of the State of Maine now or hereafter applying to the City of Lewiston, by the issue and sale of bonds or notes pledged on the credit of the city, the proceeds to be used for the payment of indebtedness of the city contracted for the acquisition of land, the construction and equipment of buildings, and other permanent public improvements, including schools, and the payment or refunding of bonds, notes and certificates of indebtedness previously issued. No order providing for the issue of bonds shall be passed without public notice given by publishing said notice in a newspaper having general circulation in the city at least 2 weeks before final action by the council.

**Sec. 44. Reserve fund for conventions.** The City of Lewiston may establish a reserve fund in the amount of \$5,000 for the purpose of aiding conventions held in the City of Lewiston. At the close of each fiscal year, the city may appropriate money or authorize the transfer of unencumbered surplus funds in an amount sufficient to restore the reserve account to \$5,000.

## ARTICLE VII

### Administration of Schools

**Sec. 45. Board of education.** A board of education, composed of 5 members, elected-at-large, as provided in Article IX of this charter and serving for a term of 2 years, shall have all the duties, rights, and powers granted to such boards by the Constitution and statutes of the State of Maine, and all the duties, rights and powers invested in the board of education of the City of Lewiston before the adoption of this charter. The members of the board shall receive as full compensation for the performance of their official duties the sum of \$10 for each meeting of the board which they shall attend provided, however, that no member shall be paid an amount in excess of \$500 for such attendance during any one year. The board shall elect a chairman biannually, and appoint some suitable person, not a member of the board, superintendent of schools, and may adopt such rules and regulations for the management of the schools as are not inconsistent with the laws of the State of Maine. The superintendent shall be the secretary and executive agent of the board, which shall fix his salary, to be paid from the city treasury, and may remove him for good cause and appoint a successor. The board shall determine the salaries of all teachers and supervisory personnel, which salaries shall be paid from the city treasury. Members of the board of education shall not hold any other public office or receive any other pay, commission, money or thing of value directly or indirectly by reason of their office.

**Sec. 46. School budget, hearings, appropriations, audit of accounts.** The board of education shall have the right to direct the expenditure of all school moneys and shall annually prepare a report of the affairs and condition of the city schools as at the end of the fiscal year preceding and a detailed estimate in the form of a budget of the amount needed for school purposes for the current year and shall submit a copy of said report and estimate to the Mayor and to each member of the council 2 weeks before the date set for the budget hearing.

There shall be held at such time as shall be fixed by the Mayor a joint meeting of the board of education and the council, due notice of which shall be given by the clerk, to consider such estimate, and said board of education shall give full information with reference to said estimate and their reasons for fixing the items thereof at the amounts therein stated. The council shall have the power to raise moneys for the support of public schools in the city and shall appropriate for the current fiscal year such sum, not less than the amount required by state statute, as they may deem necessary for that purpose. Such sum shall be included with and assessed like other city taxes. It shall be the duty of the auditor, under the direction of the mayor and council, to audit the books of the board of education from time to time and as directed by the council.

## ARTICLE VIII

### Elections

**Sec. 47. Elections.** An election shall be held on the last Monday in November in 1967 and every 2 years thereafter, at which the qualified voters of the city shall ballot for a mayor, 2 aldermen-at-large and 5 members of the school board, and the qualified members of each ward shall ballot for a member of the board of aldermen, a warden and a ward clerk. All the votes cast for the several offices shall be sorted, counted, declared and registered in open ward meeting as required by statute and the ward clerk in each ward shall forthwith deliver to the city clerk a certified copy of the record of such election. The municipal officers shall, as soon as they conveniently can, examine the copies of the records of the several wards certified as aforesaid and shall cause the persons who shall have been elected to the several offices to be notified in writing of their election.

**Run-off election.** 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 2nd Monday in December next thereafter, at which election the names to be placed upon the ballot shall be determined as follows:

(1) If but one candidate has received the highest number of votes and but one candidate has received the next highest number of votes, their names only shall be placed upon the ballot.

(2) If 2 or more candidates have received the same number of votes and a number higher than those received by any other candidate, only the names of such candidates, whether they be 2 or more, shall be placed upon the ballot.

(3) If one candidate has received the highest number of votes and 2 or more candidates have received the same number of votes which number shall have been next lower than that received by the candidate receiving the highest number, only the name of the candidate who has received the highest number and the candidates, whether 2 or more, who have received the next highest number of votes shall be placed upon the ballot. The candidate receiving the highest number of votes at such election shall be declared to be elected.

**Sec. 48. Law relating to run-off election.** All the provisions of law and of this charter covering the procedure at and following the annual election so far as they may be applicable shall apply to special and run-off elections.



**Sec. 49. Election of officers; exception.** Election of all officers, except the office of mayor, shall be by plurality.

**Sec. 50. Qualifications; laws applicable.** All provisions of law relating to qualification of electors, registration, the manner of voting, the counting of votes, the duties of election officers, and all other provisions relating to the management of elections, so far as they may be applicable, shall govern all municipal elections except as otherwise provided in this charter. The warden shall preside at all ward meetings, with the powers of moderators of town meetings, and if at any meeting the warden shall not be present, the ward clerk shall preside and a warden pro tempore shall be chosen. The warden shall have all rights and powers now held by the warden of such ward. If neither the warden nor the ward clerk shall be present, any legal voter in the ward may preside until a clerk pro tempore shall be chosen and qualified. Immediately following the election of a ward clerk pro tempore a warden pro tempore shall be chosen. The clerk shall record all the proceedings and certify the votes given and deliver over to his successor in office all records and journals in his possession or under his control, together with all documents and papers held by him in his capacity as clerk. The ward clerk shall have and perform all rights and powers now held and performed by the ward clerk of such ward. All ward meetings shall be notified and called by the municipal officers in the manner provided by statute for notifying and calling town meetings by the selectmen of towns.

**Sec. 51. Nominations; petitions, etc.** The nomination of all candidates for elective offices shall be by petition and without party designation. The petition of a candidate for mayor shall be signed by not less than 200 nor more than 400 qualified voters of the city. The petition of a candidate for alderman shall be signed by not less than 100 nor more than 200 qualified voters of the ward wherein the candidate is to be elected. The petition of a candidate for alderman-at-large shall be signed by not less than 150 nor more than 300 qualified voters of the city. The petition of a candidate for the school board shall be signed by not less than 150 nor more than 300 qualified voters of the city. The petition of a candidate for warden or ward clerk shall be signed by not less than 25 nor more than 50 qualified voters of the ward wherein the candidate is to be elected. No voter shall sign petitions for more than one candidate for each office and should any voter sign more than one such petition, his signature shall be counted only upon the first petition filed and shall be held void upon all other petitions.

**Sec. 52. Nomination papers.** The signatures to nomination papers need not all be affixed to one petition but to each separate petition there shall be attached the affidavit of the circulator thereof stating the number of signers on such petition and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer giving the street and number of the street or other description sufficient to identify the same. No such nomination papers shall be issued by the city clerk or circularized for signature more than 30 days prior to the earliest date allowed for filing such papers. The form of nomination petition shall be substantially as follows:

To the City Clerk of the City of Lewiston :

We, the undersigned voters of the City of Lewiston, hereby nominate .....  
..... whose residence is .....  
for the office of ..... to be voted for at the election to be  
held in the City of Lewiston on the ..... day of .....  
19.... and we individually certify that we are qualified to vote for a candidate  
for the above office and that we have not signed more nomination petitions of  
candidates for this office than there are persons to be elected thereto.

Name .....  
Street and number .....

....., being duly sworn, deposes and says  
that he is the circulator of the foregoing nomination petition containing .....  
..... signatures, and that the signatures appended thereto were made  
in his presence and are the genuine 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  
(or Notary Public)

If this petition is deemed insufficient by the city clerk, he shall forthwith  
notify by mail ....., at No. .... Street.

**Sec. 53. Time of filing nomination papers, etc.** The nomination petitions for  
any one candidate shall be assembled and united into one petition and filed with  
the city clerk not earlier than 30 days nor later than 12 o'clock noon of the 3rd  
Saturday prior to the day of election. No nomination shall be valid unless the  
candidate shall file with the city clerk in writing not later than 12 o'clock noon  
on the 3rd Saturday prior to the day of election, his consent accepting the nomi-  
nation, agreeing not to withdraw, and, if elected, to qualify.

**Sec. 54. Ballots.** Specimen ballots and official ballots for use in all city  
elections shall be prepared by the city clerk and furnished by the city. The city  
clerk shall cause appropriate specimen ballots to be posted in the voting places  
in each ward and advertised in the daily newspapers published in Lewiston not  
later than 7 days prior to the election, and not less than 3 days prior to a run-off  
or other special election. Such specimen ballots shall be printed on colored paper  
and marked "Specimen Ballot" but shall otherwise be facsimiles of the official  
ballot.

**ARTICLE IX**

**Referendum**

**Sec. 55. Provision for Referendum.** The electors shall have power to approve  
or reject at the polls any ordinance or order passed by the council, except an  
ordinance appropriating money or authorizing the levy of taxes or issuing bonds  
to finance the improvement or extension of a municipally owned or operated  
utility or other public service enterprise.

**Regulations.** Within 20 days after the enactment by the council of any ordinance or order which is subject to a referendum, a petition signed by qualified electors of the city equal in number to at least 15% of the registered voters at the last regular municipal election may be filed with the clerk protesting against the passage of such ordinance or order. The signatures to the petition need not all be appended to one paper, but each signer shall state his place of residence and street number. One of the signers of each paper shall make oath that each signature to said paper is the genuine signature of the person whose signature it purports to be. Such petition shall be filed with the clerk, who within 10 days from the date of filing shall ascertain from the voters' register whether or not said petition is signed by the requisite number of qualified electors. The clerk shall attach to said petition his certificate, showing the result of said examination, and if the petition is deemed sufficient shall submit the same to the council. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within 10 days from the date of the clerk's certificate and again submitted to the clerk.

**Submission to voters.** After the clerk has attached his certificate of sufficiency to the petition, said ordinance or order shall be suspended from operation; and it shall be the duty of the council to reconsider such ordinance or order, and if the same be not entirely repealed, the council shall submit the ordinance or order to a vote of the electors of the city either at the next general municipal election or at a special election called for that purpose, and such ordinance or order shall not become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. There shall not be held under this section of the charter more than one special election in any period of 6 months; nor shall any such special election be called to be held within 60 days prior to any general municipal election.

## ARTICLE X

### General Provisions

**Sec. 56. Actions for injuries.** No action shall be maintained against the city on account of any injuries to persons or property except as provided in the laws of the State of Maine.

**Sec. 57. Continuation of pensions, ordinances, etc.** All pensions, benefits, acts and ordinances in force at the time when this charter takes effect, and not inconsistent with the provisions thereof, shall continue in force until amended or repealed.

**Sec. 58. Inconsistent acts, etc. repealed.** All acts and parts of acts relating to the City of Lewiston inconsistent with the provisions of this charter are hereby repealed.

**Sec. 59. Referendum.** This Act shall be submitted for approval or rejection to the qualified voters of the City of Lewiston at the annual municipal election to be held November 28, 1966.

**Sec. 60. Effective date of this Act.** The provisions of this charter which are essential to the election of the mayor and council provided for herein shall go

into effect immediately upon the approval of this charter by a majority of qualified voters casting their ballots in this referendum. The remaining provisions of this charter shall go into effect and be in force from and after seven o'clock in the evening on the first Tuesday of January next following the general municipal election at which the mayor and the council are elected.