

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1148

H. P. 786

House of Representatives, February 28, 1967

Referred to Committee on Election Laws. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Bedard of Saco.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to School Committee and Elective Officers of City of Saco.

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

Sec. 1. P. & S. L., 1953, c. 177, Art. IV, § 4, repealed and replaced. Section 4 of Article IV of chapter 177 of the private and special laws of 1953 is repealed and the following enacted in place thereof:

Sec. 4. Miscellaneous officers, election, tenure. Immediately after their first organization, it shall be the duty of the city council to elect by ballot all city officers who have heretofore been appointed in compliance with Article III, section 3 of this charter, who shall hold their offices respectively for 2 years, except as otherwise specifically enumerated herein, unless sooner removed, or until others are chosen and qualified in their places.

Sec. 2. P. & S. L., 1953, c. 177, Art. VI, §§ 1, 2, repealed and replaced. Sections 1 and 2 of Article VI of chapter 177 of the private and special laws of 1953, as amended, are repealed and the following 5 new sections enacted in place thereof:

Sec. 1. Mayor, alderman; how elected. The mayor shall be elected from the citizens at large by the legal voters of the city voting in their respective wards. The mayor shall hold his office for 2 years from the first day of January and until another shall be elected and qualified in his place. One alderman, a warden and a ward clerk shall be elected by each ward, being residents in the ward where elected, and shall hold their said offices for 2 years from the first day of January and until others shall be elected and qualified in their places. The city council may divide any ward into 2 or more precincts, and in which event additional wardens and ward clerks shall be elected by each precinct from the legal voters therein.

Sec. 2. Municipal elections, where held and how called. The municipal elections, after the first, shall take place biennially on the 2nd Monday of December. All meetings of the citizens for municipal purposes shall be notified and called in their respective wards, by the mayor and aldermen, in the manner provided by the laws of the State for notifying and calling town meetings by the selectmen of the several towns. The wardens shall preside at all ward meetings, with powers of moderators at town meetings; and if at any ward meeting the warden shall not be present, the clerk shall preside until a warden, pro tempore, shall be chosen. If neither the warden or the ward clerk is present, any legal voter in the ward shall preside until a clerk, pro tempore, shall be chosen and qualified. The legal voters in each ward may choose 2 persons from each party to assist the warden in receiving, sorting and counting votes. If from any cause there shall be a vacancy in the office of warden or ward clerk in any of the wards of the city, the same shall be filled by appointment by the mayor for the unexpired term.

Sec. 3. Tie vote, how broken, notification to successful candidates. All the votes given for the said several officers, respectively, shall be sorted, counted, declared and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written on the ward record at length. The ward clerk, within 24 hours after such election, shall deliver to the city clerk a certified copy of the record of such election. If the choice of alderman, warden or ward clerk cannot be conveniently effected on that day, the meeting may be adjourned from day to day, but not more than one week from the election day, to complete such election. If, on the second balloting for any alderman, warden or ward clerk, a choice shall not be effected by a majority vote, then the person receiving the highest number of votes for any of those offices shall be declared elected; if no one shall have such highest number, the balloting shall continue from day to day until a choice is effected. The city council shall, as soon as conveniently may be, examine the copies of the record of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor by a majority of votes given in all the wards to be notified in writing of his election; but if it shall appear that no person shall have been elected or if the person elected shall refuse to accept the office, the council shall issue their warrants for another election; and in case the citizens should fail on the second ballot to elect a mayor, the said council shall again issue their warrants for a 3rd election, to be held not less than 3 nor more than 7 days thereafter; at which election the candidate having the greatest number of votes shall be declared elected, and notified as aforesaid. If no one shall then have such number, further elections shall in the same manner be ordered until a choice shall be made by someone having the highest number of votes.

Sec. 4. Mayor and aldermen, oath of office. The mayor-elect and aldermen-elect shall, on the first day of January, at 7:30 P.M., assemble and the oath required by Article II of this charter shall be administered to the mayor-elect and the alderman-elect by the city clerk or any justice of the peace.

Sec. 5. Vacancies, how filled. In the event of a vacancy in the office of mayor or of an alderman, elections for the selection of a person or persons to fill the vacancy in said office shall be held as elsewhere herein provided, within

a period of 60 days from the occurrence of such vacancy. In the meantime, the president pro tempore of the city council shall perform the duties of the mayor.

Sec. 3. P. & S. L., 1953, c. 117, Art. VII, § 1, repealed and replaced. Section 1 of Article VII of chapter 177 of the private and special laws of 1953 is repealed and the following enacted in place thereof:

Sec. 1. Superintending school committee; membership; term. On the 2nd Monday of December, 1967, one member of the school committee shall be elected from the citizens at large by the legal voters of the city voting in their respective wards. He shall hold his office for 6 years from the first day of January, 1968, and until another shall be elected and qualified in his place. The committeeman whose term is due to expire on the first day of January, 1969, shall hold office until the first day of January, 1970, and the committeeman whose term is due to expire on the first day of January, 1970, shall hold office until the first day of January, 1972. In the election of December 1969, one member of the school committee shall be elected from the citizens at large by the legal voters of the city voting in their respective wards. He shall hold his office for 6 years from the first day of January of 1970 and until another shall be elected and qualified in his place. Thereafter on each biennial election one member of the school committee shall be elected from the citizens at large in the same manner as elsewhere herein provided for the election of mayor. He shall hold his office for 6 years from the first day of January and until another is elected and qualified. The superintending school committee shall consist of 3 members and they shall elect one of their members as chairman. All regular meetings of the committee shall be open to the public. Vacancies shall be filled in the same manner as elsewhere herein provided for the office of mayor. No person, however, shall be ineligible to membership on the superintending school committee on account of color or sex.

Referendum; effective date; certificate to Secretary of State. This Act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the qualified voters of the City of Saco at the next regular city election to be held on the 2nd Monday of December, 1967, an appropriate article being inserted in the call of such election.

The city clerk shall prepare the required ballots, on which he has reduced the subject matter of this Act to the following question: "Shall An Act Amending the Charter of the City of Saco calling for the school committeeman to hold his office for 6 years and all other elective officers for 2 years, as passed by the 103rd Legislature, be accepted?" The qualified voters shall indicate in the usual manner their opinion of the same.

The provisions of this Act shall become effective only if the majority of the votes cast by the legal voters of said city are in favor of the acceptance of such Act and provided further that the total number of votes cast for or 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 previous gubernatorial election.

If this Act is accepted, all officers elected in the city election of the 2nd Monday of December, 1967, shall hold office for 2 years from the first day of

January, 1968, with the exception of the school committeeman who shall hold office for 6 years as provided in section 3. herein.

The result of the vote shall be declared by the municipal officers of the City of Saco and due certificate thereof shall be filed by the city clerk with the Secretary of State.