

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1210

H. P. 802

House of Representatives, February 28, 1967

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Townsend of Baileyville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Amending Charter of City of Calais.

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

Sec. 1. P. & S. L., 1947, c. 172, Art. II, § 1, amended. The 5th paragraph of section 1 of Article II of chapter 172 of the private and special laws of 1947, as last repealed and replaced by section 1 of chapter 99 of the private and special laws of 1965, is repealed and the following enacted in place thereof:

The said city shall for election purposes consist of one ward.

Sec. 2. P. & S. L., 1947, c. 172, Art. II, § 1, amended. The last paragraph of section 1 of Article II of chapter 172 of the private and special laws of 1947, as enacted by chapter 121 of the private and special laws of 1955, is repealed and the following enacted in place thereof:

The city council shall have the power to submit to the electors of the City of Calais such ordinances, orders and resolves as they see fit for approval or rejection by a referendum vote of said electors, except that the regular annual budget or appropriation ordinance shall not be submitted to the said electors as hereinbefore provided. The city council shall designate the date of the referendum, which shall in any event be within 30 days after the enactment by the council of any ordinance, order or resolve which is subject to such referendum. The city clerk shall prepare the required ballots, on which he shall reduce the subject matter to the following question: "Shall the proposed (ordinance, order or resolve as applicable) entitled (here insert descriptive title of ordinance, order or resolve) as heretofore published, be adopted?" and the electors shall indicate by a cross (X) or check mark (✓) placed against the words "Yes" or "No" their opinion of the same. In all such referendum elections the ordinance, order

or resolve to be voted upon shall, in its entirety, be published at least once prior to said vote in a newspaper published in the City of Calais and a copy of said ordinance, order or resolve shall be posted in each of the voting places in said City of Calais on the date of any such referendum vote.

Sec. 3. P. & S. L., 1947, c. 172, Art. II, § 2, repealed and replaced. Section 2 of Article II of chapter 172 of the private and special laws of 1947, as last repealed and replaced by section 2 of chapter 99 of the private and special laws of 1965, is repealed and the following enacted in place thereof :

Sec. 2. Term of office. The city council shall consist of 7 members. They shall be residents of the City of Calais. All 7 members shall be elected at large by and from the qualified voters of the City of Calais for a term of 2 years from the 2nd Monday in March and shall serve until their successors are elected and qualified. There shall continue to be chosen 3 or 4 members as the case may be, of the city council to fill the office of the members of the city council whose terms expire that year.

Sec. 4. P. & S. L., 1947, c. 172, Art. II, § 5, amended. The first sentence of section 5 of Article II of chapter 172 of the private and special laws of 1947, as amended by section 3 of chapter 121 of the private and special laws of 1955, is further amended to read as follows :

The city council shall meet at the usual place for holding meetings at 10 o'clock A. M. on the 2nd ~~Monday~~ Tuesday in ~~April~~ March, 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.

Sec. 5. P. & S. L., 1947, c. 172, Art. III, § 1, repealed and replaced. Section 1 of Article III of chapter 172 of the private and special laws of 1947, as last repealed and replaced by section 4 of chapter 121 of the private and special laws of 1955, is repealed and the following enacted in place thereof :

Sec. 1. Number of members; terms of office. The superintending school committee, hereinafter called the school committee, shall consist of 5 members who shall be residents of Calais and who shall be elected by the qualified voters of the city in the following manner: At the first election following the adoption of this charter provision, the voters shall elect 2 members for 3 years and one member for 2 years, and each succeeding year there shall be elected either one member or 2 members, as the case may be, to serve for the term of 3 years in all cases.

Sec. 6. P. & S. L., 1947, c. 172, Art. II, § 2, amended. Section 2 of Article III of chapter 172 of the private and special laws of 1947 is amended to read as follows :

Sec. 2. Chairman, how determined. Each year, the chairman of the school committee shall be that member whose term of office expires at the end of that municipal year elected by a majority vote of the members of the school committee from their own number. The chairman shall preside at all meetings of the school committee and shall have a vote as other members of said committee.

Sec. 7. P. & S. L., 1947, c. 172, Art. III, § 3, amended. Section 3 of Article III of chapter 172 of the private and special laws of 1947, as last amended by section 5 of chapter 121 of the private and special laws of 1955, is further amended to read as follows :

Sec. 3. Time of organization. The school committee shall meet and organize at 8 o'clock P. M. on the 2nd ~~Monday in April~~ **Tuesday in March**. The members shall be sworn by a justice of the peace or by the city clerk to the faithful discharge of their duties. A majority of the whole number elected and serving shall be a quorum for the transaction of business.

Sec. 8. P. & S. L., 1947, c. 172, Art. IV, § 1, amended. The first paragraph of section 1 of Article IV of chapter 172 of the private and special laws of 1947, as last amended by section 6 of chapter 121 of the private and special laws of 1955, is further amended to read as follows :

On the ~~1st~~ **2nd** ~~Monday in April~~ **March** after the adoption of this amendment to the charter the qualified voters of the city shall elect ~~7~~ **the required number of** members of the city council, and the qualified voters of ~~each ward~~ **the city** shall, at the same time, elect a warden and a ward clerk for their ward; and thereafter on the ~~1st~~ **2nd** ~~Monday in April~~ **March** every year, a regular municipal election shall be held and the qualified voters of the city shall elect such members of the city council as are necessary to fill the offices of those whose terms of office expire that year, and also to fill any vacancies in the above offices which then may exist, and the qualified voters of ~~each ward~~ **the city** shall, at the same time, elect a warden and a ward clerk.

Sec. 9. P. & S. L., 1947, c. 172, Art. IV, § 2, repealed and replaced. Section 2 of Article IV of chapter 172 of the private and special laws of 1947 is repealed and the following enacted in place thereof :

Sec. 2. Term of office, ward meetings. The warden and ward clerk, chosen as provided in the preceding section, shall be residents of the ward from which they are elected and shall hold their office for one year from the 2nd ~~Monday~~ **in March** following their election and until others have been chosen and qualified in their stead. The warden and the ward clerk shall be sworn to the faithful performance of their duties by a justice of the peace or by the clerk of the ward meeting or by any legal voter of said ward, and a certificate of such oath shall be entered by the clerk on the records of said ward. The warden shall preside at all meetings with the powers of moderators of town meetings, and if at any meeting the warden shall not be present, the clerk of the ward shall call the meeting to order and preside until 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 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 such 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 all rights and perform all duties now had and performed by the ward clerk of such ward so far as

consistent with this charter. All ward meetings shall be notified and called by the city council in the manner provided by the laws of this State for notifying and calling ward meetings.

Sec. 10. P. & S. L., 1947, c. 172, Art. IV, § 2-A, additional. Article IV of chapter 172 of the private and special laws of 1947 is amended by adding a new section 2-A, to read as follows:

Sec. 2-A. Voting Districts. In accordance with state law the city council may divide the city into voting districts. The provisions of this charter relating to warden and ward clerk shall relate to each voting district and each voting district shall annually elect a warden and ward clerk to serve therein. Provided however that the warden and ward clerk shall be appointed by the city council to serve at the first election next following the creation of a voting district in accordance with state law. Wardens and ward clerks shall be residents of the voting district in which they are elected or appointed to serve.

Sec. 11. P. & S. L., 1947, c. 172, Art. IV, § 3, amended. Section 3 of Article IV of chapter 172 of the private and special laws of 1947, as amended, is further amended to read as follows:

Sec. 3. Nomination of candidates to be by petition. The nomination of all candidates for elective offices provided for by this charter shall be by petition. The petition of candidates for warden and for ward clerk shall be signed by not less than 10 nor more than 30 qualified voters of the ward in which said candidates are residents. The petition of each candidate for member of the city council, and member of the school committee shall be signed by not less than ~~100~~ 50 nor more than ~~25~~ 75 qualified voters of the city. No voter shall sign petitions for more than one candidate for each office to be filled at the election and should he do so his signature shall be counted only upon the first petition filed, and shall be void upon all other petitions.

Sec. 12. P. & S. L., 1947, c. 172, Art. V, § 5, repealed and replaced. Section 5 of Article V of chapter 172 of the private and special laws of 1947, as amended, is repealed and the following enacted in place thereof:

Sec. 5. City Manager. The city manager shall be appointed for a definite term of at least one year to be included in a contract of employment and may be removed by a majority vote of the members of the council. At least 30 days before such removal may become effective the manager shall be furnished with a formal statement in the form of a resolution passed by a majority vote of the members of the council's intention to remove him and the reasons therefor. The manager may reply in writing to such resolutions. If so requested by the manager, the council shall fix a time for a public hearing upon the question of his removal, and the final resolution removing the manager shall not be adopted until such public hearing has been had. Upon passage of a resolution stating the council's intention of removing the manager, the council may suspend him from duty, but his pay shall continue until his removal shall become effective as herein described. The action of the council in removing the manager shall be final. In case of the absence or disability of the manager the council may designate a qualified administrative officer of the city to perform the duties of the manager during such absence or disability. Provided however that if the city

manager is convicted of any felony or any crime involving moral turpitude his pay shall cease immediately upon such conviction.

Sec. 13. P. & S. L., 1947, c. 172, Art. V, § 6-A, amended. The first sentence of section 6-A of Article V of chapter 172 of the private and special laws of 1947, as amended, is further amended to read as follows:

The procedure to effect a removal of a member of the school board ~~or~~ a member of the city council ~~or the city manager~~ shall be as follows: A petition signed by voters entitled to vote for a successor to the incumbent, equal in number to at least 25% of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person to be removed, shall be filed with the city clerk; provided that the petition sent to the council shall contain a general statement on the grounds for which the removal is sought.

Sec. 14. P. & S. L., 1947, c. 172, Art. V, § 11, amended. Section 11 of Article V of chapter 172 of the private and special laws of 1947, as amended, is further amended to read as follows:

Sec. 11. Assessors of taxes. There shall be 3 assessors of taxes appointed by the city council in the following manner. ~~The first city council to be elected under this charter shall appoint 3 assessors of taxes for 1, 2 and 3 years respectively from the 2nd Monday in April next following their election, and until their successors are appointed and qualified. Thereafter~~ The city council shall annually appoint an assessor of taxes for a term of 3 years from the 2nd ~~Monday~~ Tuesday in April ~~March~~ of the year of his appointment. If for any reason a vacancy shall exist in the membership of the board of assessors, the vacancy shall be filled forthwith by the city council for the unexpired term. The assessors appointed as above provided shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the State may exercise, and may now or hereafter be subject to under the laws of the State.

Sec. 15. P. & S. L., 1947, c. 172, Art. VI, § 4, amended. Section 4 of Article VI of chapter 172 of the private and special laws of 1947, as amended, is further amended to read as follows:

Sec. 4. Budget estimates to be submitted. On or before ~~May~~ April 1st of each year, the city manager shall submit to the city council budget estimates for the ensuing fiscal year.

Sec. 16. P. & S. L., 1947, c. 172, Art. VII, § 2, repealed and replaced. Section 2 of Article VII of chapter 172 of the private and special laws of 1947, as amended, is repealed and the following enacted in place thereof:

Sec. 2. Reimbursement for travel expense. The city manager, members of the city council, other municipal officials and employees may be reimbursed, upon a vote of the city council, for their reasonable and necessary expenses in attending meetings, seminars, courses of instruction and conferences with other governmental agencies and officials on city business. A special fund shall be set up to provide for such reimbursement.

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 Calais at any regular or special election to be held before December 31, 1967.

The city clerk shall prepare the required ballots, on which he shall reduce the subject matter of this Act to the following question: "Shall the Act Amending Charter of City of Calais, passed by the 103rd Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This Act shall take effect for all the purposes hereof immediately upon its acceptance by a majority vote of the legal voters voting at said election; 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 Calais and due certificate thereof shall be filed by the city clerk with the Secretary of State.