

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1356

H. P. 906

House of Representatives, March 2, 1967

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Rideout of Manchester.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Amending Charter of the City of Hallowell.

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

Sec. 1. P. & S. L., 1961, c. 63, Art. II, § 3, amended. The last paragraph of section 3 of Article II of chapter 63 of the private and special laws of 1961 is repealed and the following enacted in place thereof:

No member shall be eligible, while a member of the council, to any other 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. The salary of each councilman shall be fixed at \$200 annually.

Sec. 2. P. & S. L., 1961, c. 63, Art. II, § 4, repealed and replaced. Section 4 of Article II of chapter 63 of the private and special laws of 1961 is repealed and the following enacted in place thereof:

Sec. 4. Regular meetings and qualification. The council shall meet at the usual place for holding meetings at 10 a. m., on the first business day in January, at which time the mayor-elect and the councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the city clerk. Thereafter, the council shall meet at such time and place as may be prescribed by ordinance or resolution, except that it shall meet regularly each month.

Sec. 3. P. & S. L., 1961, c. 63, Art. II, § 8, additional. Article II of chapter 63 of the private and special laws of 1961 is amended by adding a new section 8, to read as follows:

Sec. 8. President of council; election; duties. A president of the council shall be elected by a majority of the council, and shall have such duties as are prescribed by the city charter and by the council.

Sec. 4. P. & S. L., 1961, c. 63, Art. III, § 2, repealed and replaced. Section 2 of Article III of chapter 63 of the private and special laws of 1961 is repealed and the following enacted in place thereof:

Sec. 2. Vacancy. In case of death, resignation, continued removal from the city, or removal from office of the mayor, the vacancy of the unexpired shall be filled by the president of the council, and he shall serve until the next regular municipal election.

Sec. 5. P. & S. L., 1961, c. 63, Art. V, § 5, repealed and replaced. Section 5 of Article V of chapter 63 of the private and special laws of 1961 is repealed and the following enacted in place thereof:

Sec. 5. Filing nomination papers; acceptances of nominations must be filed. The nomination petition of any one candidate shall be assembled and united into one petition and filed with the city clerk not earlier than 30 nor later than 16 business days before the day of election. No nomination shall be valid unless the candidate shall file with the city clerk in writing not later than 16 business days before the day of election, his consent, accepting the nomination, agreeing not to withdraw, and, if elected, to qualify.

Sec. 6. P. & S. L., 1961, c. 63, Art. VI, § 1, repealed and replaced. Section 1 of Article VI of chapter 63 of the private and special laws of 1961 is repealed and the following enacted in place thereof:

Sec. I. Titles and appointments. There shall be the following administrative officers and boards:

(a) The following officers and boards, except as herein otherwise provided, shall be appointed by the mayor and city council:

1. City Manager
2. Trustees of the Hallowell Water District
3. City Clerk, Treasurer, and Tax Collector
4. Board of Assessors
5. Board of Trustees of Hallowell Cemetery
6. Board of Planning and Zoning
7. Wardens and Ward Clerks
8. Chief of Fire Department, Assistants, and members.

(b) The following officers and boards shall be appointed by the city manager with the advice and consent of the mayor and city council:

1. City Marshal, special officers, and constables
2. City Physician
3. City Solicitor
4. Director of Civil Defense

5. Health Officer

6. Superintendent of the Poor Department

7. All other department heads now existing, or which may be appointed, established through ordinance or resolve. Except as hereafter provided these various department heads may hire and fire their own subordinate clerks and employees as needed, subject to the approval of the city manager. Removal shall be accompanied by a statement specifying reasons for such discharge.

Sec. 7. P. & S. L., 1961, c. 63, Art. VI, § 3, repealed and replaced. Section 3 of Article VI of chapter 63 of the private and special laws of 1961 is repealed and the following enacted in place thereof:

Sec. 3. Appointive officers; tenure; removal. All appointive officers and boards whose terms are not specified in this charter shall hold office at the pleasure of the appointing power, except that the city manager and city marshal after 6 months of service may be removed only for cause, and shall be entitled to written charges and a public hearing before the council prior to the date of removal, although each may be suspended from office pending such hearing. Appointive officers and boards whose terms are specified in this charter may be removed by the council upon written charges and after a public hearing on the same.

Sec. 8. P. & S. L., 1961, c. 63, Art. VIII, repealed and replaced. Article VIII of chapter 63 of the private and special laws of 1961 is repealed and the following enacted in place thereof:

ARTICLE VIII

INITIATIVE AND REFERENDUM

Sec. 1. Petition for overrule of action of the council. All ordinances, resolutions or votes, except those making appointments, removals, or regulating exclusively the internal procedure of the council, may be overruled by a referendum as follows:

If, within 10 days after the enactment of any such ordinance, resolution or vote, a petition signed by not less than 25% of the registered voters of the City of Hallowell is filed with the city clerk requesting its reference to a referendum, the council shall call a public hearing to be held within 30 days from the date of the filing of such a petition with the city clerk and shall, within 14 days after the said public hearing, call a special municipal election for the purpose of submitting to a referendum vote the question of adopting such ordinance, resolution or vote. Pending action by the municipal electors, the referred ordinance, resolution or vote shall be suspended from going into operation until it receives a vote of the majority of the voters voting on said question.

Sec. 2. Petition for enactment of ordinances. Subject to the provisions of section 1, not less than 25% of the registered voters of the city may at any time petition over their personal signatures for the enactment of any proposed lawful ordinance by filing such petition, including the complete text of such ordinance, with the city clerk. The council shall call a public hearing to be held within 30

days from the date of the filing of such petition with the city clerk, and shall within 30 days after said public hearing, call a special municipal election for the purpose of submitting to a referendum vote the question of adopting such ordinance, unless prior to the call for said municipal election, such ordinance shall be enacted by the council. Such ordinance shall take effect on the 10th day after the conclusion of such referendum, provided a majority of those voting thereon shall have voted in the affirmative.

Any such proposed ordinance shall be examined by the city attorney before being submitted to referendum. The city attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, to assure accuracy in its text and references and clearness and preciseness in its phraseology, but shall not materially change its meaning and effect.

Sec. 3. Form of ballot. The form of ballot for the proposed ordinance, resolution, or vote shall be substantially as follows:

“Shall the proposed ordinance, resolution, or vote, a copy of which is printed herein or attached hereto, be adopted?”

Yes

No

The voter shall write a cross or check mark in the appropriate box.

Sec. 9. P. & S. L., 1961, c. 63, Art. IX, additional. Chapter 63 of the private and special laws of 1961 is amended by adding a new Article IX, to read as follows:

ARTICLE IX

MISCELLANEOUS PROVISIONS

Sec. 1. No personal interest. No city manager, no member of the city council, no subordinate city officer, no member of any board or commission charged with the expenditure of any money appropriated by the city council or belonging to the city, no officer or employee of the city, elected or appointed, shall be interested, directly or indirectly, in any contract entered into by or in behalf of the City of Hallowell for work or material, or the purchase thereof, to be furnished to or performed for the city, and all contracts made in violation hereof are void and the city treasurer is expressly forbidden to pay any money out of the city treasury on account of any such contract. No such officer or employee, except a policeman or fireman, while in performance of his duties, shall accept or receive from any person, firm or corporation acting under a franchise or license from the city, any frank, free pass, free ticket, or free service, or accept directly or indirectly from any person, firm or corporation any service upon terms more favorable than those granted to the public generally. This provision shall not apply, however, to any free service now or hereafter provided for by contract, franchise or ordinance.

Sec. 2. Ordinances not inconsistent contained in force. All ordinances in force at the time when this charter takes effect, not inconsistent with the provisions of this charter, shall continue in force until amended or repealed.

All rules and regulations of the municipal officers and offices of the City of Hallowell in force at the time when this charter takes effect, not inconsistent with the provisions hereof, shall continue in force until amended or repealed.

Sec. 3. Existing contracts not invalidated, unless inconsistent. All rights, actions, proceedings, prosecutions, and contracts of the city or any of its departments, pending or unexecuted when this charter goes into effect and not inconsistent therewith shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Sec. 4. Term of office, officers, boards. All officials, officers, trustees or members of commissions or departments now in office holding positions hereafter to be filled under this charter by the city council or the city manager shall not serve out their present terms but shall continue in office only until their successors are appointed or elected and qualified as provided in this Act.

Sec. 5. Repealing clause. In event this Act is approved in the manner hereinafter provided, all Acts and parts of Acts inconsistent herewith are hereby repealed.

Sec. 6. 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 legal voters of the City of Hallowell at any general or special municipal or state-wide election held during the month of December, 1967, and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said city to meet in the several ward meetings of said city, there to cast their ballot on the approval or rejection of this Act.

The city clerk shall prepare the required ballots, on which he shall reduce the subject matter of this Act to the following question: "Shall 'An Act to Amend Charter of the City of Hallowell,' 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, unless otherwise provided for by the Legislature, shall take effect on the 31st day after its approval by a majority 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 equals or exceeds 20% of the total vote for all candidates for Governor in said city at the next previous gubernatorial election.

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