

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. 1687

H. P. 1186

House of Representatives, May 31, 1967

Reported by Mr. Cushing from Committee on Legal Affairs. Printed under
Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Increasing Salary of Mayor and Councilmen, Reducing the Number of Members on the City Council, Increasing the Term of Office of Mayor, City Council, Increasing the Term of Office of Mayor, City Council, Board of Education, Wardens and Ward Clerks of the City of Biddeford, Changing Date of Election, and Providing for Electing Civil Service Commission for the Fire Department of the City of Biddeford.

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

Sec. 1. P. & S. L., 1933, c. 66, § 2, amended. The first sentence of section 2 of chapter 66 of the private and special laws of 1933 is amended to read as follows:

The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof except the department of education and police administration, shall be vested in one principal magistrate, to be styled the mayor; and one board of ~~++ 7~~ councilmen, all residents of the City of Biddeford; 1 councilman from each of the 7 existing wards of the city; ~~and + from the city at large, and not more than 2 councilmen from any + ward;~~ and which board shall constitute and be called the city council, all of whom shall be sworn to the faithful performance of the duties of their respective offices.

Sec. 2. P. & S. L., 1933, c. 66, § 3, amended. The 8th sentence of section 3 of chapter 66 of the private and special laws of 1933 is amended to read as follows:

The salary and compensation of the mayor shall be ~~\$1,500~~ \$3,500 per year, which shall not be increased or diminished during his continuance in office, unless by the vote of the qualified electors in ward meetings called for that purpose.

Sec. 3. P. & S. L., 1933, c. 66, § 3, amended. The 3rd sentence from the end of section 3 of chapter 66 of the private and special laws of 1933, as amended by

chapter 85 of the private and special laws of 1935, is repealed and the following enacted in place thereof :

The councilmen shall receive \$15 compensation for each regular meeting attended and \$10 for each special meeting attended, and no councilman shall receive more than \$300 in any one fiscal year for such attendance.

Sec. 4. P. & S. L., 1933, c. 66, § 15 amended. The 2nd sentence of section 15 of chapter 66 of the private and special laws of 1933, as amended by section 8 of chapter 85 of the private and special laws of 1935, is repealed and the following enacted in place thereof :

In each of said wards, following passage and acceptance of this amendment on the first Monday of December and every 2 years thereafter, shall be chosen by ballot, a warden and ward clerk who shall hold office for 2 years, and until others have been chosen and qualified in their places.

Sec. 5. P. & S. L., 1933, c. 66, § 16, repealed and replaced. Section 16 of chapter 66 of the private and special laws of 1933, as repealed and replaced by section 9 of chapter 84 of the private and special laws of 1941, is repealed and the following enacted in place thereof :

Sec. 16. Elections. Following the passage and acceptance of this amendment the mayor shall be elected from the citizens at large by the inhabitants of the city voting in their respective wards, and shall hold his office for 2 years from the first day of January following his election. One councilman shall be elected by each ward, being a resident in the ward where elected. Said officers shall be elected by ballot by a plurality of the votes given, and they shall hold their office for 2 years from the first day of January following their election in December and until others shall be elected and qualified in their stead. On the first Monday of December and every 2nd year thereafter, following the passage and acceptance of this amendment the qualified electors of each ward shall ballot for a warden and ward clerk, one councilman, all inhabitants of said ward, a mayor, 2 members of the board of education whose terms of office shall be for 4 years; one member of the board of police whose term of office shall be for 6 years, and one member of the board of commissioners for the fire department whose term will be 6 years. Vacancies in the office of the mayor or city council may also be filled at a special election duly called by law therefor.

Sec. 6. P. & S. L., 1933, c. 66, § 17, amended. The first sentence of section 17 of chapter 66 of the private and special laws of 1933, as repealed and replaced by section 10 of chapter 84 of the private and special laws of 1941, is repealed and the following enacted in place thereof :

On the first Monday of December, after the passage and acceptance of this amendment, and every 2nd year thereafter, the qualified electors of each ward shall ballot for a Mayor, one councilman, a resident of the ward, 2 members of the board of education whose term shall be for 4 years, one member of the board of police whose term shall be for 6 years, one member of the board of commissioners for the fire department whose term shall be for 6 years, warden and ward clerk.

Sec. 7. P. & S. L., 1933, c. 66, § 17, amended. The 6th and 7th sentences of section 17 of chapter 66 of the private and special laws of 1933, as repealed and replaced by section 10 of chapter 84 of the private and special laws of 1941, are repealed and the following enacted in place thereof:

In balloting for mayor, members of the board of education and member of the board of police, the persons receiving the highest number of votes given in all wards shall be declared elected. On the first Monday of December, biennially, following the first election held hereunder, the qualified electors of each ward shall ballot for a mayor, members of the board of education, a member of the board of police, a member of the board of commissioners for the fire department, warden and ward clerk and councilman for that particular ward.

Sec. 8. P. & S. L., 1933, c. 66, § 31 repealed and replaced. Section 31 of chapter 66 of the private and special laws of 1933 is repealed and the following enacted in place thereof:

Sec. 31. Board of education. The educational department of the City of Biddeford shall be administered by a board of education consisting of the mayor, who shall be ex officio chairman of the board, and 4 other persons, 2 of whom shall be elected every 2nd year for a term of 4 years following the passage and acceptance of this Act.

If this Act is passed, all 4 seats on the board of education will be vacant and at the first municipal election following the acceptance of this Act 4 members of the board of education shall be elected; the 2 receiving the highest number of votes for 4-year terms and the 2 receiving the next highest number of votes for 2-year terms. The members of the board of education shall be nominated and elected in the manner provided by law for the nomination and election of mayor of the city.

Sec. 9. P. & S. L., 1933, c. 66, § 32, amended. Section 32 of chapter 66 of the private and special laws of 1933 is amended to read as follows:

Sec. 32. Vacancies; how filled. In the event of a vacancy in said board, other than in the position of mayor, from any cause, such vacancy shall be filled by the city council ~~and~~ until the next biennial municipal election, when an election shall be held for said unexpired term.

Sec. 10. P. & S. L., 1933, c. 66, § 27, repealed and replaced. Section 27 of chapter 66 of the private and special laws of 1933, as last repealed and replaced by section 1 of chapter 84 of the private and special laws of 1941, is repealed and the following enacted in place thereof:

Sec. 27. Board of police. The administration of the police department of the City of Biddeford shall be under the jurisdiction of a board of police, consisting of 3 citizens of the City of Biddeford who shall constitute a board of police of said Biddeford and who shall be sworn before entering upon the duties of their office. The term of office of said members of board of police shall be 6 years. All nominations shall be made and elections held under the laws which govern the nomination and election of mayor and councilmen of said City of Biddeford.

If this Act is passed, all 3 seats on the board of police will be vacant and at the first municipal election held after the acceptance of this Act, 3 members of the board shall be elected; the one receiving the largest number of votes for a 6-year term, the one receiving the next largest number of votes for a 4-year term, and the one receiving the next largest number of votes for a 2-year term. Vacancies on said board shall be temporarily filled by the city council and the member so chosen to fill said vacancy shall hold office until the next biennial municipal election occurring after said vacancy exists, at which time some citizen shall be elected to serve during the remainder of the term. The board shall annually elect one of their number chairman and one of their number clerk, who shall be sworn and shall keep a record of all proceedings, issue all notices and attest all such papers and orders as the board directs.

Sec. 11. P. & S. L., 1961, c. 171, § 1, amended. Section 1 of chapter 171 of the private and special laws of 1961 is repealed and the following enacted in place thereof:

Sec. 1. Board of commissioners for the fire department. A board of commissioners for the fire department, consisting of 3 residents and voters of Biddeford, shall be elected. The members shall hold no other elective or appointive city office. Members shall serve for a term of 6 years or until their successors have been elected and qualified. All nominations shall be made and elections held under the laws which govern the nomination and election of mayor and councilmen of said Biddeford, provided that after the acceptance of this section, the mayor shall appoint, subject to the confirmation of the city council, 3 citizens as temporary members of the board to hold office until the members first elected under this section qualify. At the first municipal election held after the acceptance of this section, 3 members of the board shall be elected; the one receiving the largest number of votes for a 6-year term, the one receiving the next largest number of votes for a 4-year term, and the one receiving the next largest number of votes for a 2-year term. Thereafter, one member shall be elected annually to serve for a 6-year term. Vacancies in said board shall be temporarily filled by the city council and the member so chosen to fill said vacancy shall hold office until the first day of January following and at the next annual municipal election occurring after said vacancy exists, a member shall be elected to serve during the remainder of the term.

The board shall annually elect one of their members chairman and one of their members clerk, who shall be sworn and keep a record of all proceedings, issue all notices and attest all such papers and orders as the board directs and make a report of its doings annually to the city council at the close of the fiscal year. Each member shall receive as compensation \$100 per year, except for the clerk who will receive \$125.

Sec. 2. P. & S. L., 1961, c. 171, § 3, amended. The first sentence of section 3 of chapter 171 of the private and special laws of 1961 is repealed and the following enacted in place thereof:

The appointments of chief of the fire department deputy and district chiefs, firemen and call firemen shall be made by the board from an eligibility list made up after examination of applicants.

Sec. 3. P. & S. L., 1961, c. 171, amended. Wherever in chapter 171 of the private and special laws of 1961 the word "commission" appears, it shall mean 'board'.

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 Biddeford at a special election to be called and held for that purpose not later than 60 days after the effective date of this Act. Without fail, such special election shall be called, advertised and conducted according to the law relating to municipal elections; provided that the board of registration in said City of Biddeford shall not be required to prepare for posting, nor the city clerk to post, a new list of voters, and for the purpose of registration of voters, said board shall be in session the 3 secular days next prior to such special election, the first and 2nd days thereof to be devoted to the registration of voters and the 3rd day to enable the board to verify the corrections of said lists and to complete and close up their records of said sessions.

The city clerk shall prepare the required ballots, upon which no other questions shall be printed, and on which he shall reduce the subject matter of this Act to the following questions :

"1. Shall the salary of the mayor of the City of Biddeford be increased from \$1,500 to \$3,500?"

and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

"2. Shall councilmen receive compensation for attendance at meetings?"

and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

"3. Shall the Act to change the charter of the City of Biddeford which will increase the term of office of certain elected municipal officials; reduce the number of members on the City Council to seven; provide for biennial elections; change the date of municipal elections; and provide for the electing of a Board of Commissioners for the Fire Department of the City of Biddeford?"

and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

The provisions of this Act, as they relate to each question, shall become effective only if the majority of the votes cast by the legal voters of said city is in favor of the acceptance of such question; provided that the total number of votes cast for and against the acceptance of each question 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 the vote on each question shall be declared by the municipal officers of the City of Biddeford and due certificate thereof shall be filed by the city clerk with the Secretary of State.