

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
104th LEGISLATURE

COMMITTEE AMENDMENT " A " to H. P. 65, L. D. 84, Bill, "AN ACT Providing for a Council-Manager Form of Government for the Town of Millinocket."

Amend said Bill in Article II, section 203, by striking out in the last 2 lines (last line in L. D. 84) the words and figures "sections 901 and 902" and inserting in place thereof the word 'Article IX'

Further amend said Bill in Article II, section 204, by striking out all of subsection 204.8 (same in L. D. 84) and be renumbering subsections 204.9 to 204.12 to be subsections 204.8 to 204.11.

Further amend said Bill in Article II by striking out all of sections 212 and 213 and inserting in place thereof the following sections (same in L.D. 84):

'Sec. 212. Rules and procedure. The town council shall provide for keeping a record of its proceedings and shall determine its own rules of procedure and make lawful regulations for enforcing the same. The council shall act only by ordinance, order or resolve. All ordinances, orders and resolves, except orders or resolves making appropriations of money, shall be confined to one subject which shall be clearly expressed in the title. All appropriation orders or resolves shall be confined to the subject of appropriations only.

Sec. 213. Public hearing on ordinances. Before any ordinance

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shall be passed, at least one public hearing shall be held by the council, notice of which shall be given at least 7 days in advance by publication in a newspaper having a circulation in said town and by posting a notice in a public place. The yeas and nays shall be taken on the passage of all ordinances and entered on the record of the proceedings of the council by the clerk. Every ordinance shall require on passage the affirmative vote of a majority of the members of the council. Such ordinance shall be effective 30 days after such passage, subject to the provisions of Article IX.'

Further amend said Bill in Article II, section 215, by striking out in the 5th line (5th and 6th lines in L.D. 84) the punctuation and words ",the town meeting"

Further amend said Bill in Article V, section 506, by striking out in the 6th line (same in L.D. 84) the word and figure "section 902" and inserting in place thereof the word and figure 'Article IX'

Further amend said Bill by striking out all of Article IX (same in L.D. 84) and inserting in place thereof the following:

'Article IX.

Initiative and Referendum.

Sec. 901. Petition for overrule of action of council. All ordinances, orders or resolves, except those making appointments or removals or regulating exclusively the internal procedure of the

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council, shall be subject to overrule by a referendum as follows:

Any 5 registered voters may begin referendum proceedings by request, in writing, to the town clerk for the appropriate petition blanks. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the ordinance, order or resolve sought to be reconsidered. The petition shall be signed only by registered voters of the town and each voter's signature shall be followed by his address.

Each paper of the petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance, orders or resolves sought to be reconsidered.

If, within 10 days after the enactment of any such ordinance, order or resolve, the appropriate petition signed by not less than 200 of the registered voters of the town is filed with the town clerk, requesting its reference to a referendum, the town council shall call a public hearing to be held within 14 days from the date

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of the filing of such petition with the town clerk, and shall within 14 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, order or resolve. Pending action by the voters of the town, the referred ordinance, order or resolve shall be suspended from going into operation until it has received a vote of the majority of the voters voting on said question.

Sec. 902. Ordinances, orders or resolves submitted to popular vote. The town council may submit on its own initiative a proposition for the enactment, repeal or amendment of any ordinance, order or resolve, except as herein otherwise provided, to be voted upon at any municipal election, and should such proposition receive a majority of the votes cast thereon at such election, such ordinance, order or resolve shall be enacted, repealed or amended accordingly.

Sec. 903. Enactment of ordinance by initiative. Ordinances may be enacted by the following initiative procedure:

Any 5 registered voters may begin initiative proceedings by request in writing to the town clerk for the appropriate petition blanks. The complete text of the proposed ordinance shall be included with the request. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the proposed ordinance. The

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petition shall be signed only by registered voters of the town and each voter's signature shall be followed by his address.

Each paper of the petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed ordinance.

Upon receipt by the town clerk of the appropriate petition signed by not less than 200 of the registered voters of the town, the town council shall call a public hearing to be held within 14 days from the date of the filing of such petition with the town clerk, and shall within 14 days after said public hearing call a municipal election for the purpose of submitting to vote the question of adopting such ordinance, unless such ordinance shall be enacted by the council prior to the call for said town election. Such ordinance shall be enacted and take effect when a majority of those voting thereon shall have voted in the affirmative.

Any such proposed ordinance shall be examined by the town attorney before being submitted to the voters. The town attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy in its text and references, and

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clearness and preciseness in its phraseology, but^{he} shall not materially change its meaning and effect.

Sec. 904. Form of ballot. The form of the ballot for the proposed ordinance, or repeal of such ordinance, order or resolve, shall be substantially as follows:

"shall the ordinance, order or resolve entitled '.....
.....' be repealed? (or adopted?)"

YES

NO



(The voters shall indicate their choice by a cross or check mark placed in the appropriate box under the words YES or NO.)

Sec. 905. Recall. The power of recall of elective officers shall be in accordance with the Constitution and general laws of the State of Maine.'

Further amend said Bill in Article X by striking out all of sections 1008 and 1009 (same in L.D. 84) and inserting in place thereof the following sections:

'Sec. 1008. Removal of officers and employees. Any officer or employee to whom the town manager, or a head of any office, department or agency, may appoint a successor, may be removed by the manager or other appointing officer at any time. The decision of the manager, or other appointing officer, shall be subject to appeal to the personnel appeals board. Notice of such appeal shall be made in writing to the town manager and the town council within 30 days of notice of dismissal.

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Sec. 1009. Personnel appeals board. There shall be a personnel appeals board consisting of 3 members appointed by the town council from among the qualified voters of the town. The first appointments to this board shall be made in the following manner: One member for 3 years, one member for 2 years and one member for one year. All succeeding appointments shall be made for terms of 3 years.

Sec. 1010. Continuance of present administrative officers. Selectmen and all persons holding administrative office at the time this charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance herewith for the performance of such duties or the discontinuation of such office.

Sec. 1011. Bonds of officers. The town council shall require a bond with sufficient surety or sureties, satisfactory to the town council, from all persons trusted with the collection, custody or disbursement of any of the public moneys; and may require such bond from such other officials as it may deem advisable; the premium charges for said bonds to be paid by the town.

Sec. 1012. Charter amendment.

I. Proposal of amendment. Amendments to this charter may be framed and proposed:

A. In the manner provided by law; or

B. By ordinance of the town council containing the full text of the proposed amendment and effective upon adoption;

or

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C. By the registered voters of the town; or

D. By report of a charter commission created by ordinance.

Proposal of an amendment by the registered voters of the town shall be by petition containing the full text of the proposed amendment and shall be governed by the same procedures and requirements prescribed in Article IX for initiative petitions until such time as a final determination as to the sufficiency of the petitions is made. The petition must be signed by 200 registered voters of the town.

II. Election. Upon passage of an ordinance, or upon receipt of a petition finally determined sufficient, or upon receipt of the report of a charter commission, proposing an amendment pursuant to subsection I, the town council shall submit the proposed amendment to the voters of the town at an election. Such election shall be announced by a notice containing the complete text of the proposed amendment and published in one or more newspapers of general circulation in the town at least 30 days prior to the date of election. The election shall be held not less than 60 and not more than 120 days after the adoption of the ordinance or the final determination of sufficiency of the petition or report proposing the amendment. The form of the ballot shall be as specified in Article IX, section 904.

III. Adoption of amendment. If a majority of the qualified

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voters of the town voting upon a proposed charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment, or if no time is therein fixed, 30 days after its adoption by the voters.'

Further amend said Bill in the Emergency clause by striking out all of the 2nd paragraph (same in L.D. 84) and inserting in place thereof the following:

'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 town to meet in the regular voting place of said town, there to cast their ballots on the approval or rejection of this Act. Failure of approval by the legal voters of the Town of Millinocket at the annual town meeting of 1969 shall not prevent subsequent elections held before 1974.'

Reported by the Committee on Legal Affairs.

Reproduced and distributed under the direction of the Clerk of the House.

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