

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
104th LEGISLATURE

COMMITTEE AMENDMENT " A " to H. P. 736, L. D. 954, Bill,
"AN ACT Providing for a Council-Manager Charter for the Town of
Scarborough."

Amend said Bill in Article II by striking out all of that
part designated "Sec. 202" and inserting in place thereof the
following:

'Sec. 202. Qualifications. Councilmen shall be registered
voters of the town and shall reside in the town during their term
of office, except that no teacher shall serve on the town council.
They shall hold no office of emolument or profit under the town
charter or ordinances. If a councilman shall cease to possess any
of these qualifications or shall have sustained a final conviction
of a felony, his office shall immediately become vacant.'

Further amend said Bill in Article II by striking out all
of subsection 7 of that part designated "§204" (same in L.D.);
and by renumbering subsections 8 to 12 to be subsections 7 to 11.

Further amend said Bill in Article IV by striking out all of
the last sentence of that part designated "§ 402" (same in L.D.)
and inserting in place thereof the following: 'If a member of the
board of education shall cease to possess any of these qualifications
or shall have sustained a final conviction of a felony, his office
shall immediately become vacant.'

(Over)

(Filing No. H-408)

Further amend said Bill by inserting after Article IX, a new Article, as follows (same in L.D.):

ARTICLE IX-A

Amendments

Sec. 951. Charter amendment.

1. 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
- 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 registered voters of the town equal in number to at least 20% of the total number of registered voters.

2. 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 1, 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

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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 903.

3. Adoption of amendment. If a majority of the qualified 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 Article X by striking out all of that part designated "Sec. 1003" (same in L.D.) and inserting in place thereof the following:

'Sec. 1003. Removal of officers and employees.

1. 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 with the ratification of the town council. Such removal shall be subject to appeal to the personnel appeals board provided such officer or employee submits his appeal within 30 days of final action of the town council.

2. 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.'

Reported by the Committee on Legal Affairs.

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

(Filing No. H-408)

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