

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FOURTH LEGISLATURE

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**Legislative Document**

**No. 1202**

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H. P. 941

House of Representatives, March 5, 1969

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. McNally of Ellsworth.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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### AN ACT to Amend the Charter of the City of Ellsworth

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

**Sec. 1. P. & S. L., 1933, c. 34, Art. II, § 1, amended.** The first paragraph of section 1 of Article II of chapter 34 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 general management, care, conduct and control of the schools of said city, which shall be vested in a school committee as hereinafter provided, and also~~ except as otherwise provided by this charter, shall be and hereby is vested in one body of 5 members, which body shall constitute, and be called the city council, all of whom shall be and remain during their term of office inhabitants of said city, and shall be sworn in the manner hereinafter prescribed. Said city council shall exercise its powers in the manner hereinafter provided.

**Sec. 2. P. & S. L., 1933, c. 34, Art. II, § 1, amended.** The last paragraph of section 1 of Article II of chapter 34 of the private and special laws of 1933 is repealed as follows:

~~The said city shall continue to be divided for election purposes into 5 wards with the now existing boundaries.~~

**Sec. 3. P. & S. L., 1933, c. 34, Art. II, § 2, amended.** The last sentence of section 2 of Article II of chapter 34 of the private and special laws of 1933 is repealed and the following enacted in place thereof:

**Members of the city council shall receive compensation to be set by resolve of the city council not to exceed \$600 per member per year.**

Sec. 4. P. & S. L., 1933, c. 34, Art. III, repealed and replaced. Article III of chapter 34 of the private and special laws of 1933 is repealed and the following enacted in place thereof:

### ARTICLE III NOMINATIONS AND ELECTIONS

Sec. 1. Date of election and procedure to determine results. At the first election after this amendment is in force, and thereafter, on the first Monday in March in each year, a regular municipal election shall be held and the qualified voters of the city shall ballot for councilmen to fill the office of the councilmen whose terms of office expire that year.

All votes cast for the several officers shall be sorted, counted, declared and registered as provided by statute. A certified copy of the record of such election shall be delivered to the city clerk.

The city council shall, as soon as it conveniently can, examine the copies of the records certified as aforesaid, and shall cause the persons who shall have been elected councilmen to be notified in writing of their election; but if it shall appear that no person shall have been elected to any office, or if the person elected shall refuse to accept the office, warrants for another election shall be issued forthwith. At any election, the person receiving the highest number of votes for an office shall be deemed and declared elected to such office.

Sec. 2. Nominations for elective officers to be made by petition. The nomination of all candidates for elective offices provided for by this charter shall be by petition. The petition of a candidate for councilman shall be signed by not less than 75 nor more than 140 qualified voters of the city. The number of said petitions for candidates for any office that may be signed by any voter shall not exceed the number of candidates to be elected to said office, and in no case may a voter sign more than one petition for any one candidate.

Sec. 3. Form of nomination paper. The signatures to nomination papers need not all be affixed to one nomination petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating the number of signers on each petition, and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number of the street, or their description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

To the City Clerk of the City of Ellsworth:

We, the undersigned voters of the City of Ellsworth, hereby nominate \_\_\_\_\_ whose residence is \_\_\_\_\_ for the office of \_\_\_\_\_ to be voted for at the election to be held in the City of Ellsworth on the \_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and we individually certify that we are qualified to vote for a candidate for the above office and

that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name \_\_\_\_\_

Street and number \_\_\_\_\_

being duly sworn, deposes and says that he is the circulator of the foregoing nominating petition containing \_\_\_\_\_ signatures, and the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

(Signed) \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_ 19\_\_

\_\_\_\_\_  
Justice of the Peace  
(or Notary Public)

If this petition is deemed insufficient by the city clerk, he shall forthwith notify by mail \_\_\_\_\_ at No. \_\_\_\_\_ street.

Sec. 4. Filing nomination papers; acceptance of nominations must be filed. The nomination petitions for 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 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 days before the day of election, his consent, accepting the nomination, agreeing not to withdraw, and, if elected, to qualify.

Sec. 5. List of candidates to be published. The city clerk shall notify the list of candidates and shall cause to be published at least 10 days prior to the date of the election in \_\_\_\_\_, a newspaper published in said Ellsworth, the names, residences and offices to which nominated, of the candidates who have duly filed the above described petitions and acceptances.

Sec. 6. Ballots, etc. to be prepared by the city clerk. Specimen ballots and official ballots for use in all city elections shall be prepared by the city clerk and furnished by the city.

Sec. 7. Contents and form of ballot. The names of candidates nominated as provided in the preceding section shall be arranged on the ballot in alphabetical order according to surnames, except as hereinafter provided. In any case where the names of 4 or more persons appear on the ballot as candidates for city councilmen, the city clerk shall have printed as many sets of ballots as there are candidates. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order, commencing with the name next in alphabetical order after the one that stands first on that set of ballots. When the last name is reached in alphabetical order it shall be followed by the name that begins with the first letter represented in the list of names and by the others in regular order. The ballots so printed shall then be combined in blocks of

50 so as to have the fewest possible ballots having the same order of names printed thereon together in the same block.

Sample ballots shall be printed from the arrangement of the first group of ballots to be printed as above provided.

The ballots shall be without party mark or designation. The full name and residence of each candidate shall be given. At the right of each name shall be a square within which the voter shall place a cross to designate his choice. Blank spaces shall be left at the end of the list of candidates for each office, in which the voter may insert the name of any person not printed on the ballot, for whom he desires to vote. The ballot shall be printed substantially as follows:

To vote for a candidate make a cross (X) in the square at the right of name and residence:

**NAME AND RESIDENCE**

For CITY COUNCIL Vote for ( )

Name of candidate _____	Residence _____	<input type="checkbox"/>
Name of candidate _____	Residence _____	<input type="checkbox"/>
Name of candidate _____	Residence _____	<input type="checkbox"/>
Name of candidate _____	Residence _____	<input type="checkbox"/>
Name of candidate _____	Residence _____	<input type="checkbox"/>

(Back of Ballot)

**OFFICIAL BALLOT**

**ELLSWORTH**

Monday \_\_\_\_\_ 19\_\_

(Facsimile of signature)  
City Clerk

Sec. 8. Specimen ballot. The city clerk shall cause specimen ballots to be posted in public places, including each polling place, or advertised in the newspaper not later than 10 days prior to the city election, or both. Such specimen ballots shall be printed on colored paper and marked "Specimen Ballot" and shall contain the names of the certified candidates with the residence of each, instructions to voters, and such measures as may be submitted to the voters. Such ballots shall be without party mark or designation.

Sec. 9. State election laws. The provisions of the laws of the State of Maine relating to the qualification of electors, registration, the manner of voting, the counting of votes, the duties of election officers, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections except as otherwise provided in this charter.

**Sec. 5. P. & S. L., 1933, c. 34, Art. IV, § 1, repealed and replaced.** Section 1 of Article IV of chapter 34 of the private and special laws of 1933, as amended, is repealed and the following enacted in place thereof:

**Sec. 1. Titles and appointment.** There shall be the following administrative officers and boards:

(a) The following officers and boards shall be appointed by ballot by a majority vote of the members of the city council: City manager, city clerk, treasurer and tax collector, members of the board of assessors, trustees of the public library, chief of the fire department and chief of the police department, who shall also be city marshal.

(b) All other department heads or officers whose position may from time to time be created by ordinance shall be appointed by the city manager, subject to confirmation by the city council.

**Sec. 6. P. & S. L., 1933, c. 34, Art. IV, § 9, repealed.** Section 9 of Article IV of chapter 34 of the private and special laws of 1933, as amended, is repealed.

**Sec. 7. P. & S. L., 1933, c. 34, Art. VI, § 2, repealed.** Section 2 of Article VI of chapter 34 of the private and special laws of 1933 is repealed.

**Sec. 8. Inconsistent Acts repealed.** All Acts or parts of Acts inconsistent with the provisions of this Act are repealed or amended to conform hereto.

**Referendum; effective date; certificate to Secretary of State.** This Act shall take effect 90 days after the adjournment of the Legislature, only for the purpose of permitting its submission to the voters of the City of Ellsworth qualified to vote in municipal elections, at a regular municipal election to be held during the month of March in the year 1970, 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 to accept or reject the provisions of this Act.

The city clerk shall reduce the subject matter of this Act to the following questions:

1. Shall the Act to amend the Charter of the City of Ellsworth providing for compensation for members of the city council not to exceed \$600 per year, passed by the 104th Legislature, be accepted?
2. Shall the Act to amend the Charter of the City of Ellsworth as to nominations and elections, passed by the 104th Legislature, be accepted?
3. Shall the Act to amend the Charter of the City of Ellsworth as to the appointment of department heads, passed by the 104th Legislature, be accepted?
4. Shall the Act to amend the Charter of the City of Ellsworth regarding schools, passed by the 104th Legislature, be accepted?

5. Shall the Act to amend the Charter of the City of Ellsworth as to conflict of interest, passed by the 104th 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.

The provisions of this Act as they relate to each question, if adopted by the voters of the city at said election, herein provided for, shall take effect; provided that the total number of votes cast for and against the acceptance of each question at said election to be held during the month of March in the year 1970 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 Ellsworth and due certificate thereof shall be filed by the city clerk with the Secretary of State.