

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FOURTH LEGISLATURE

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**Legislative Document**

**No. 1244**

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H. P. 964

House of Representatives, March 6, 1969

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Rideout of Manchester.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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### AN ACT Repealing the City Manager Provisions in the Charter of the City of Hallowell.

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

**Sec. 1.** P. & S. L., 1961, c. 63, Art. VI, § 1, sub-§ (a), ¶ 1, repealed and replaced. Paragraph 1 of subsection (a) of section 1 of Article VI of chapter 63 of the private and special laws of 1961 is repealed and the following enacted in place thereof:

1. **Street Commissioner**

**Sec. 2.** P. & S. L., 1961, c. 3, Art. VI, § 1, sub-§ (b) repealed. Subsection (b) of section 1 of Article VI of chapter 63 of the private and special laws of 1961 is repealed and the following enacted in place thereof:

10. **City Marshall, special officers, and constables**

11. **City Physician**

12. **City Solicitor**

13. **Director of Civil Defense**

14. **Health Officer**

15. **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. Removal shall be accompanied by a statement specifying reasons for such discharge.**

**Sec. 3. P. & S. L., 1961, c. 63, Art. VI, § 2, amended.** Section 2 of Article VI of chapter 63 of the private and special laws of 1961 is amended to read as follows:

**Sec. 2. Power of council with regard to appointive officers and boards.** The council shall have power by ordinance or resolve to create any new appointive office or to abolish any existing office or board ~~excepting that of city manager.~~

**Sec. 4. P. & S. L., 1961, c. 63, Art. VI, § 3, amended.** The first sentence of section 3 of Article VI of chapter 63 of the private and special laws of 1961 is repealed and the following enacted in place thereof:

**All appointive officers and boards, whose terms are not specified in this charter, shall hold office at the pleasure of the appointing power.**

**Sec. 5. P. & S. L., 1961, c. 63, Art. VI, § 4, amended.** The 2nd sentence of section 4 of Article VI of chapter 63 of the private and special laws of 1961 is repealed.

**Sec. 6. P. & S. L., 1961, c. 63, Art. VI, § 5, repealed.** Section 5 of Article VI of chapter 63 of the private and special laws of 1961 is repealed.

**Sec. 6. P. & S. L., 1961, c. 63, Art. VI, § 6, amended.** The first paragraph of and the headnote of section 6 of Article VI of chapter 63 of the private and special laws of 1961 is amended to read as follows:

**Sec. 6. Powers and duties of the mayor.** The ~~city manager~~ mayor shall be the administrative head of the city and shall be responsible only to the city council for the administrative management of all departments of the city. The powers and duties of the ~~city manager~~ mayor shall be as follows:

**Sec. 7. P. & S. L., 1961, c. 63, Art. VI, § 6, sub-§§ 1 & 7, repealed.** Sub-section 1 and 7 of section 6 of Article VI of chapter 63 of the private and special laws of 1961 are repealed.

**Sec. 8. P. & S. L., 1961, c. 63, Art. VI, §§ 7 & 8, repealed.** Section 7 and 8 of Article VI of chapter 63 of the private and special laws of 1961 are repealed.

**Sec. 9. P. & S. L., 1961, c. 63, Art. VI § 11, amended.** The last sentence of section 11 of Article VI of chapter 63 of the private and special laws of 1961 is amended to read as follows:

However, it is specifically provided, herein, that all purchases necessary for the poor department shall be made through the ~~purchasing agent~~ mayor of the city as hereinbefore provided upon formal requisitions.

**Sec. 10. P. & S. L., 1961, c. 63, Art. VII, § 1, amended.** Section 1 of Article VII of chapter 63 of the private and special laws of 1961 is amended to read as follows:

**Sec. 1. Accounts and records.** Accounts shall be kept by the city treasurer showing the financial transactions of all departments of the city. Forms for all such accounts shall be prescribed by the city treasurer, with the ap-

proval of the ~~city manager~~ mayor. Accounts shall be kept in such a manner as to show fully at all times the financial condition of the city. The city treasurer shall furnish to the ~~city manager~~ mayor, prior to the first regular meeting of the city council in each month, a report containing in detail the receipts and disbursements of the city on all accounts, the expenditures made and the obligations incurred during the preceding calendar month, and a balance sheet showing the financial condition of the city, of the several funds, and the total unexpended balance to the credit of each department or appropriation account.

**Sec. 11. P. & S. L., 1961, c. 63, Art. VII, § 4, amended.** The first paragraph of section 4 of Article VII of chapter 63 of the private and special laws of 1961 is amended to read as follows:

The city treasurer shall publish each month a statement of financial condition of the city. Each of the administrative officers and boards shall annually, on such date as may be fixed by the city council, render to the ~~city manager~~ mayor a full report of the transactions of his or their department for the year. On the basis of these reports, as audited as hereinbefore provided, the ~~city manager~~ mayor shall prepare and publish an annual report for general distribution. In addition to a summary of the services rendered by the various departments, the report shall show:

**Sec. 12. P. & S. L., 1961, c. 63, Art. VII, § 5, amended.** The first paragraph of section 5 of Article VII of chapter 63 of the private and special laws of 1961 is amended to read as follows:

Not later than the regular March council meeting the ~~city manager~~ mayor, in cooperation with the standing committees of the city council, shall submit to the city council budget estimates for the ensuing fiscal year. This budget shall be compiled from detailed information furnished by the administrative officers and boards on blanks the forms for which shall be designated by the ~~city manager~~ mayor and shall contain:

**Sec. 13. P. & S. L., 1961, c. 63, Art. VII, § 6, amended.** The first sentence of section 6 of Article VII of chapter 63 of the private and special laws of 1961 is amended to read as follows:

As nearly as possible after the beginning of the fiscal year, the city council shall pass an annual appropriation resolve, which shall be based upon the budgets submitted by the ~~city manager~~ mayor, and the school administrative district directors.

**Sec. 14. P. & S. L., 1961, c. 63, Art. VII, § 11, amended.** The first paragraph of section 11 of Article VII of chapter 63 of the private and special laws of 1961 is amended to read as follows:

Money shall be paid out only on warrants on the city treasury issued by the city treasurer and countersigned by the ~~city manager~~ mayor and a member of the city council to be designated from time to time by said city council.

**Sec. 15. P. & S. L., 1961, c. 63, Art. VII, § 14, repealed.** Section 14 of Article VII of chapter 63 of the private and special laws of 1961 is repealed.

**Sec. 15. P. & S. L., 1961, c. 63, Art. VIII, § 1, amended.** The first sentence of section 1 of Article VIII of chapter 63 of the private and special laws of 1961 is amended to read as follows:

No ~~city manager~~ mayor, 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.

**Sec. 16. P. & S. L., 1961, c. 63, Art. VIII, § 4, amended.** Section 4 of Article VIII of chapter 63 of the private and special laws of 1961 is amended to read as follows:

**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~~ mayor 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.

**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 the next regular municipal election 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 Repealing the City Manager Provisions in the Charter of the City of Hallowell,' passed by the 104th Legislature, be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. This Act shall take effect immediately upon its acceptance 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, and for all other purposes this Act shall take effect immediately following the next regular municipal 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.