

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 424

In Senate, March 3, 1913.

*Reported by Senator Dutton from Committee on Judiciary
and ordered printed under joint rules.*

W. E. LAWRY, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTEEN.

Resolution to correct certain errors and omissions which appear in Chapter 72, entitled "An Act to provide a charter for the City of Gardiner", of the Private and Special Laws of 1911, as printed in the volume of the Laws of the State of Maine for 1911.

WHEREAS in the publication of Chapter 72 of the Private and Special Laws of 1911, entitled "An Act to provide a charter for the City of Gardiner" as it appears in the published laws of the State of Maine of 1911, there was omitted from section 25 of said law after the word "ordinance" and before the word "to" in the 29th line the words following:

"To the qualified voters of the city at the next annual city election.

The votes upon such ordinance, submitted as aforesaid, shall be taken by ballot in answer to the question: 'Shall the ordinance (stating the nature of the same) be passed?' which shall be printed on the ballots after the list of candidates, if there be any. If a majority of the qualified voters voting on the proposed ordinance shall vote in favor thereof, it shall thereupon become a valid and binding ordinance of the city, subject to any provision of statute law relative to approval, publication or notice, and no such ordinance passed as aforesaid by the city council, upon petition as aforesaid, or which shall be adopted as aforesaid at any such regular or special election, shall be repealed or amended except by the qualified voters of the city voting at any election not specially called for the purpose.

Any number of ordinances requested by petition as aforesaid may be voted upon at the same election in accordance with the provisions of this section, but there shall not be more than one special election in any period of six months for that purpose.

The city council may submit a proposition for the repeal of any such ordinance, or for amendments thereof, to be voted upon at any succeeding annual city election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, the ordinance shall thereby be repealed or amended accordingly.

The votes upon such repeal or amendment at an annual city election shall be taken by ballot in answer to the question: 'Shall the ordinance (stating the nature of the same) be re-

pealed, or amended (stating the nature of the amendment)?' which shall be printed on the ballots after the list of candidates if there be any.

The city council may also submit any ordinance proposed by them to the qualified voters at any annual or special city election, to be voted on by ballot at such election, and the manner in which such an ordinance shall be submitted to the voters, and the form in which the question shall be printed on the official ballots shall be as prescribed for ordinances submitted by petition, and amendments or repeals submitted by the city council as aforesaid.

Whenever any such ordinance or proposition is required by this act to be submitted at any election as aforesaid the city clerk shall cause it to be published twice in one daily newspaper published in the said city, if there be any, and in the nearest daily newspaper published in Kennebec County; such publication to be not more than twenty nor less than five days before the submission of the ordinance or proposition to be voted on.

Petitions under the provisions of this section may consist of one or more distinct papers. In each of such papers the ordinance, the passage of which is requested, shall be set forth or referred to, and all such papers filed in any one day in the office of the city clerk shall be considered parts of the same petition. Such petitions shall be signed, sworn to as to signatures, examined, re-examined, presented," and

WHEREAS section 25 in said act should have read as follows:

Sect. 25. If a petition, signed by a number of the voters of the said city qualified to vote at city elections equal to at least twenty-five per cent. of the aggregate number of votes cast for candidates for mayor or alderman at the last preceding annual city election at which a mayor or alderman was elected, but not less than two hundred and fifty such voters, and requesting the city council to pass an ordinance therein set forth or referred to, shall be filed in the office of the city clerk, the city council shall, provided that the said ordinance be one which the city council shall, after this act takes effect, have a legal right to pass, (a) pass the said ordinance without alteration, within twenty days after the city clerk has attached his certificate of sufficiency to such petition, or (b) forthwith, after the expiration of the twenty days aforesaid appoint a special election, unless an election is fixed for a date within ninety days after the city clerk has attached the aforesaid certificate of sufficiency, and at such special or regular election submit such ordinance without alteration to the voters of the city qualified as aforesaid.

If, however, a petition otherwise like the above described petition, but signed by a number of such qualified voters equal to at least ten per cent., but less than twenty-five per cent. of the aggregate number of votes cast as aforesaid for candidates for mayor or aldermen, and not less than one hundred such voters shall be filed as aforesaid, the city council shall (c) pass the ordinance therein set forth or referred to, without alteration, within twenty days after the city clerk has attached the

aforesaid certificate of sufficiency, or (d) shall submit the said ordinance to the qualified voters of the city at the next annual city election.

The votes upon such ordinance, submitted as aforesaid, shall be taken by ballot in answer to the question: "Shall the ordinance (stating the nature of the same) be passed?" which shall be printed on the ballots after the list of candidates, if there be any. If a majority of the qualified voters voting on the proposed ordinance shall vote in favor thereof, it shall thereupon become a valid and binding ordinance of the city, subject to any provision of statute law relative to approval, publication or notice, and no such ordinance passed as aforesaid by the city council, upon petition as aforesaid, or which shall be adopted as aforesaid at any such regular or special election, shall be repealed or amended except by the qualified voters of the city voting at any election not specially called for the purpose.

Any number of ordinances requested by petition as aforesaid may be voted upon at the same election in accordance with the provisions of this section, but there shall not be more than one special election in any period of six months for that purpose.

The city council may submit a proposition for the repeal of any such ordinance, or for amendments thereof, to be voted upon at any succeeding annual city election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, the ordinance shall thereby be repealed or amended accordingly.

The votes upon such repeal or amendment at an annual city election shall be taken by ballot in answer to the question: "Shall the ordinance (stating the nature of the same be repealed, or amended (stating the nature of the amendment)?" which shall be printed on the ballots after the list of candidates, if there be any.

The city council may also submit any ordinance proposed by them to the qualified voters at any annual or special city election, to be voted on by ballot at such election, and the manner in which such an ordinance shall be submitted to the voters, and the form in which the question shall be printed on the official ballots shall be as prescribed for ordinances submitted by petition, and amendments or repeals submitted by the city council as aforesaid.

Whenever any such ordinance or proposition is required by this act to be submitted at any election as aforesaid, the city clerk shall cause it to be published twice in one daily newspaper published in the said city, if there be any, and in the nearest daily newspaper published in Kennebec county; such publication to be not more than twenty nor less than five days before the submission of the ordinance or proposition to be voted on.

Petitions under the provisions of this section may consist of one or more distinct papers. In each of such papers the ordinance, the passage of which is requested, shall be set forth or referred to, and all such papers filed in any one day in the office of the city clerk shall be considered parts of the same petition. Such petitions shall be signed, sworn to as to signatures,

examined, re-examined, presented to the city council, shall have the city clerk's certificate of sufficiency or insufficiency attached thereto, and may be supplemented in the same manner as petitions filed under section twenty-four.

BE IT RESOLVED, That said act, as enacted by the 78th
2 Legislature and signed by the Governor, be correctly re-
3 printed and published in the laws of this Legislature.