

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

H. P. No. 697

H. D. No. 162

House of Representatives, Feb. 17, 1925.

Tabled pending Reference by Mr. Gagne and 500 copies ordered printed.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Holmes of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE

AN ACT to Provide a New Charter for the City of Lewiston,
Abolishing Political Party Designations Therein, and Pro-
viding for a Referendum to the Electors of Lewiston.

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

So much of Chapter one hundred and five of the Private
2 and Special Laws of the year eighteen hundred and sixty-
3 one and acts amendatory thereof and additional thereto as
4 relate to the political and fiscal government of the City of
5 Lewiston is hereby amended by substitution therefor the
6 following sections:

'Section 1. The Mayor shall be elected by and from the
2 qualified voters of the city' and shall be the chief executive

3 officer of the city. He shall hold office for two years from
4 the first Monday in January following his election and
5 until his successor is qualified.

‘Sect. 2. The Legislative powers of the city shall be vested
2 in a city council. One of its members shall be elected by
3 the city council annually as its president. The city council
4 shall be composed of nine members of whom one shall be
5 elected from each ward by and from the qualified voters of
6 that ward, and the remaining members shall be elected by
7 and from the qualified voters of the city. At the first elec-
8 tion held in the city after the adoption of this charter the
9 councillors elected from each ward shall be elected to serve
10 for one year, and those elected at large shall be elected to
11 serve for two years from the first Monday in January fol-
12 lowing their election and until their successors are qualified;
13 and at each annual election to serve for two years.

‘Sect. 3. All heads of departments and members of mu-
2 nicipal boards except the school committee and those now
3 appointed by the Governor, as their term of office expires,
4 shall be appointed by the Mayor, subject to confirmation by
5 the city council.

‘Sect. 4. The mayor may, with the approval of the ma-
2 jority of the members of the city council, remove the head
3 of a department or member of a board before the expiration
4 of his term of office, except members of the school com-
5 mittee and officials appointed by the governor. The person
6 so removed shall receive a copy of the reasons of his re-

7 moval, and he may, if he desires, contest the same before
8 the city council. He may be represented by counsel at the
9 hearing.

‘Sect. 5. The Mayor shall receive for his services such
2 salary as the city council by ordinance shall determine, not
3 exceeding two thousand five hundred dollars a year, and
4 shall receive no other compensation from the city. His
5 salary shall not be increased or diminished during the term
6 for which he is elected. The first mayor elected under this
7 charter shall receive the same salary as the mayor of Lewis-
8 ton now receives. The council may, by a vote of two thirds
9 of all its members, taken by a call of the yeas and nays,
10 establish a fee for its members not exceeding five dollars a
11 meeting.

‘The council will have one regular meeting each month.
2 Such salary may be reduced but no increase therein shall be
3 made to take effect during the year in which the increase is
4 voted. Until changed by the council, the fee of a councillor
5 shall be five dollars a meeting.

‘Sect. 6. Every order, ordinance, resolution and vote rela-
2 tive to the affairs of the city, adopted or passed by the city
3 council, shall be presented to the mayor for his approval.
4 If he approves it he shall sign it; if he disapproves it, he
5 shall return it, with his written objections to the council,
6 which shall enter the objections at large on its records, and
7 again consider it, if the city council, notwithstanding the
8 disapproval of the mayor, shall again pass such order, ordi-

9 nance, resolution or vote by a vote of two thirds vote of all
10 members, it shall then be in force, but such vote shall not
11 be taken for seven days after its return to the city council.
12 Every such order, ordinance, resolution and vote shall be
13 in force if not returned by the mayor within ten days after
14 it has been presented to him.

‘Sect. 7.’ The city council at any time may request from
2 the mayor specific information on any municipal matter
3 within its jurisdiction and may request him to be present to
4 answer written questions relating thereto at a meeting to be
5 held not earlier than one week from the date of the re-
6 ceipt by the mayor of said questions. The mayor shall
7 personally or thru a head of a department or a member of
8 the board, attend such meeting and publicly answer all such
9 questions. The person so attending shall not be obliged to
10 answer questions relating to any other matter. The mayor
11 may attend and address the city council in person or thru
12 the head of a department or member of the board upon any
13 subject.

‘Sect. 8. The Mayor, the city treasurer and the city audi-
2 tor shall prepare in detail a city budget showing all money
3 necessary to be appropriated from the treasury of the city
4 during the fiscal year. This budget shall be presented to the
5 city council by the mayor on or before the first Monday in
6 February of each year. The council shall consider this
7 budget in open meeting and shall appoint a special meeting at
8 which any citizen may appear and be heard in reference

9 thereto. No money shall be drawn from the treasury of the
10 city except in accordance with an appropriation by the city
11 council and the laws of the State of Maine.

‘Sect. 9. If a vacancy occurs in the office of the mayor or
2 city council before the last six months of the term of office,
3 the city council shall order an election for a mayor a mem-
4 ber of the council shall succeed to the office of mayor for
5 the unexpired term. If the mayor is absent or unable from
6 any cause temporarily to perform his duties they shall be
7 performed by the president of the council. The person up-
8 on whom such duties shall devolve shall be called the “act-
9 ing mayor” and he shall possess the powers of mayor only in
10 matters not admitting of delay, but shall not have the power
11 to make permanent appointments.

‘Sect. 10. No mayor or member of the city council or
2 school committee and no officer or employee of the city
3 shall directly or indirectly make a contract with the city, or
4 receive any commission, discount, bonus, gift contribution,
5 or award from or any share in the profits of any person mak-
6 ing or performing such contract. A violation of this provision
7 shall render the contract in respect to which such violation
8 occurs voidable at the option of the city. Any person vio-
9 lating the provisions of this section shall be punished by a
10 fine of not more than one thousand dollars, or by imprison-
11 ment for not more than one year, or both.

‘Sect. 11. No contract for construction work or for pur-
2 chase of materials, apparatus or supplies, whether for re-

3 pairs or original construction, the estimated cost of which
4 amounts to two hundred dollars or more, except in a special
5 emergency involving the health or safety of the people or
6 their property, shall be awarded unless proposals for the
7 same have been invited by advertisements in at least one
8 newspaper published in the city once a week for at least two
9 consecutive weeks, and the last publication to be at least one
10 week before the time specified for the opening of such pro-
11 posals. Such advertisements shall state the time and place
12 where plans and specifications of proposed work or supplies
13 may be had and the time and place for opening the pro-
14 posals in answer to said advertisements, and shall reserve to
15 the city the right to reject any or all proposals. All such
16 proposals shall be opened in public. No bill or contract shall
17 be split or divided for the purpose of evading any provision
18 of this chapter.

'Sect. 12. All contracts made by any department, board or
2 commission where the amount involved is two hundred
3 dollars or more shall be in writing, and no such contract
4 shall be deemed to have been made or executed until the
5 approval of the mayor and the department or board making
6 the contract is affixed thereto. Any contract made as afore-
7 said may be required to be accompanied by a bond with
8 sureties satisfactory to the board or official having the mat-
9 ter in charge or by a deposit of money, certified check or
10 other security for the faithful performance thereof, and
11 such bonds or other securities shall be deposited with the

12 city treasurer until the contract has been carried out in all
13 respects. And no such contract shall be altered except by
14 a written agreement of the contractor, the sureties on the
15 bond, and the officer, department or board making the con-
16 tract with the approval of the mayor attached thereto.

'Sect. 13. The school committee shall consist of nine
2 members and the mayor. The committee shall elect a chair-
3 man by ballot. One to be elected from each ward and the
4 remainder at large. At the first election held in the city
5 after the adoption of this charter, the members of the school
6 committee from each ward shall be elected to serve one
7 year, and those at large shall be elected to serve for two
8 years from the first Monday in January following their
9 election and until their successors are qualified and at each
10 annual election thereafter the members of the school com-
11 mittee shall be elected to serve for two years.

'Sect. 14. The school committee shall elect a superinten-
2 dent of schools and all teachers annually and may appoint,
3 suspend or remove at pleasure any subordinate officers or
4 assistants. The school committee shall define the terms of
5 service, duties and compensation of all officials employed by
6 them. No member of the school committee, except the ma-
7 yor, shall, during his term of office, hold any other office or
8 position the salary or compensation of which is payable out
9 of the city treasury. The committee shall organize annu-
10 ally or the first Monday in January, elect one of its members
11 chairman, who shall preside at all meetings of the commit-

tee. The members of the school committee except the mayor shall be paid a fee of five dollars for each meeting of the school committee which they attend.

'Sect. 15. No site for a school building shall be acquired by the city unless the approval of the site by the school committee is first obtained. No plan for the construction of or alterations in a school building shall be accepted, and no work shall be begun on the construction or alteration of a school building unless the approval of the school committee and the mayor is first obtained. This section shall not require such approval for repairs costing less than two hundred dollars.

'Sect. 16. All meetings of the school committee and the city council shall be opened to the public.

'Sect. 17. If a vacancy occurs in the school committee by failure to elect or otherwise, the city council and the remaining members of the school committee shall meet in joint convention and elect a suitable person to fill the vacancy until the next annual city election. The mayor, if present, shall preside at the convention.

'Sect. 18. Lewiston shall be divided into five wards and the boundaries of the wards shall be determined by the city council. Until changed by the council and for the purpose of an election under this charter the ward lines of Lewiston shall be as follows: Ward one the same as ward one now. Ward two the same as ward two now. Ward three the same as the boundaries of wards three and four now. **The**

8 present ward four to be known as ward three precinct two.
9 Ward four the same as ward five now. Ward five the same
10 as the boundaries of wards six and seven as now existing.
11 The present ward six shall be known as ward five precinct
12 two.

'Sect. 19. Ordinances, resolutions, orders or other regu-
2 lations of Lewiston or any official thereof, existing at the
3 time this charter is adopted shall continue in force and
4 effect until repealed, modified or superseded.

'Sect. 20. No Primary or caucus for municipal officers
2 shall be held. Candidates for mayor, city council or school
3 committee shall be nominated by petition. Candidates for
4 mayor shall file a petition signed by voters of the city num-
5 bering not less than one nor more than two per cent of the
6 number of votes cast for mayor at the last election. Candi-
7 dates for school committee and the city council either from
8 the wards or at large shall file a petition signed by voters
9 numbering not less than one hundred and not more than
10 two hundred names.

'Sect. 21. Such petitions shall be filed with the city clerk
2 not later than the first Monday in November prior to the
3 election.

'Sect. 22. No ballot for election of any official shall con-
2 tain any party designation and all names shall be printed in
3 alphabetical order under the name of the office which the
4 candidates seek.

'Sect. 23. All elections under this charter except special

2 elections to fill vacancies shall be held on the first Monday
3 of December of each year.

‘Sect. 24. On the first Tuesday of October after this act
2 is enacted by the legislature, an election shall be held in the
3 city of Lewiston to determine whether the city of Lewiston
4 shall adopt this charter or an other. The ballots for said
5 election shall be prepared by the Secretary of State. On
6 said ballot there shall be a square in which the voters may
7 mark the plan he prefers and the plans shall be designated
8 by letters. On said ballot this plan shall be designated as
9 “plan A” Submitted by the Mayor’s Committee.” The plan
10 receiving the greatest number of votes shall be the controlling
11 charter of the city of Lewiston until repealed or amended.

‘Sect. 25. The mayor, aldermen and city Clerk in office
2 when this plan is adopted by the voters of the city of Lewis-
3 ton, shall comply with all of the provisions of this chapter
4 relating to the officers specified herein, in order that all
5 things necessary for the nomination and election of the
6 officers first to be elected under the provisions of this chap-
7 ter may be done.

‘Sect. 26. The first city election succeeding the adoption
2 of this charter by the city of Lewiston shall take place on
3 the first Monday of December next following the adoption
4 of this charter.

‘Sect. 27. On the first Monday in January at ten o’clock
2 in the forenoon, the mayor elect and the councillors elect
3 and the school committee elect, shall meet and be sworn to

4 the faithful discharge of their duties. The oath may be
5 administered by the city clerk or by a justice of the peace,
6 and a certificate thereof shall be entered on the journal of
7 the city council. At any meeting thereafter, the oath
8 may be administered to the mayor or any councillor
9 or member of school committee absent from the meeting on
10 the first Monday in January.

‘Sect. 28. All acts and parts of acts inconsistent herewith
2 are hereby repealed.’