

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 968

H. P. 1394 House of Representatives, March 25, 1931.

Reported by Mr. Jack from Committee on Legal Affairs and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

New Draft of H. P. 214, L. D. 123.

STATE OF MAINE

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

AN ACT to Abolish the Common Council of the City of
Biddeford

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

Section 1. P. and S. Laws, 1885, Chapter 2; relating to incorporation of the City of Biddeford, amended by striking out in the fourth and fifth lines thereof the words "and one council of twenty-one to be denominated the common council", and by striking out in Sections 3, 4, 5, 18, 20, 21, 24 and Section 1 amendment of 1862, all reference to the Common Council, as such, defining the duties or powers of said Common Council either singly or jointly, so that said Sections as amended shall read as follows:

'Sec. 2. The administration of all the fiscal, prudential and municipal affairs, of said city, with the government thereof, shall be vested in one principal magistrate, to be styled the mayor; and one council of seven, to be denominated the board of aldermen; all of whom shall be inhabitants of said city, which board shall constitute and be called the city council; all of whom shall be sworn to the faithful performance of the duties of their respective offices; all powers now vested in the common council, or jointly in said common council and the board of aldermen, by said chapter

four hundred and eight of the private and special laws of Maine, for the year eighteen hundred and fifty-five, and acts amendatory thereof and additional thereto; shall vest in the city council as hereinbefore provided; provided, the city council shall not vote, assess or appropriate any money for any object or purpose for which the town of Biddeford is not authorized to vote, assess or appropriate money, except for such purposes as are authorized by this act. And provided, further, that neither the city council, nor any agent or officer of the city, shall borrow or hire any money for or on account of the city, or inhabitants thereof, except for the purposes for which the town of Biddeford is now by law authorized to raise money; and all notes, bonds, obligations, scrip or orders given by the city council or any officer or agent thereof, for money or property obtained for any other purposes, shall be void.'

Sec. 3. The Mayor of said city shall be the chief executive magistrate thereof. It shall be his duty to be vigilant and active in causing the laws and regulations of the city to be executed and enforced, to exercise a general supervision over the conduct of all subordinate officers, and to cause their violations or neglect of duty to be punished. He may call special meetings of the Board of Aldermen, when, in his opinion, the interests of the city require it, by a notice in one or more of the papers printed in the city, or by causing a summons or notification to be given in hand, or left at the usual dwelling place of each member of the board to be convened. He shall, from time to time, communicate to the Board of Aldermen such information, and recommend such measures as the business and interests of the city may, in his opinion, require. He shall preside in the Board of Aldermen, but shall have only a casting vote. The salary and compensation of the Mayor shall be eight hundred and forty dollars (changed to \$1,500, Referendum of 1920) per year, which shall not be increased or diminished hereafter, unless by a majority vote of the qualified voters in ward meetings called for the purpose. Nor shall he receive from the city any other compensation for any service by him rendered in any other capacity or agency. The Aldermen shall receive no compensation for their services as such.

Sec. 4. The executive powers of said city, generally, with

all the powers of the Selectmen of the town of Biddeford, shall be vested in the Mayor and Aldermen as fully as if the same had been herein particularly enumerated; all other powers now vested in the inhabitants of said town, and all powers granted by this act, shall be vested in the Mayor and Aldermen of said city; but all other elections of officers by the City Council, shall be by ballot. The City Council shall, annually, on the second Monday of March, or as soon thereafter as conveniently may be, elect and appoint all the subordinate officers and agents for the city, for the ensuing year, shall define their duties and fix their compensation, in cases where such duties and compensation shall not be defined and fixed by the laws of this state; and may, by majority vote, remove officers, when, in their opinion, sufficient cause for removal exists. All officers shall be chosen and vacancies supplied for the current year, except as hereinafter otherwise directed. All the said subordinate officers and agents shall hold their offices during the ensuing year, and until others shall be elected and qualified in their stead, unless sooner removed by the City Council. All monies received and collected for and on account of the city, by any officer or agent thereof, shall forthwith be paid into the city treasury. The City Council shall take care that monies shall not be paid from the treasury unless granted or appropriated; shall secure a prompt and just accountability, by requiring bonds with sufficient penalty and sureties from all persons trusted with the receipt, custody, or disbursement of money; shall have the care and superintendence of city buildings and the custody and management of all city property, with power to let or sell what may be legally let or sold; and to purchase and take in the name of the city such real or personal property, not exceeding the sum of fifteen thousand dollars, (changed to seventy-five, see Act of 1860, Chap. 383) including the property now owned by the town, as they may think useful to the public interest. And the City Council shall, as often as once a year, cause to be published for the information of the inhabitants, a particular account of receipts and expenditures, and a schedule of the city property; and no money shall be paid from the treasury unless the same be appropriated by the City Council, and upon a warrant signed by the Mayor, which warrant

shall state the appropriation under which the same was drawn.

Sec. 5. Every law, act, ordinance or bill appropriating money, having passed the City Council, shall be presented to the Mayor of the city; and if he approve the same, he shall sign it; if not, he shall return it in seven days, with his objections, to the City Council, which City Council shall enter the objections at large on its journals and proceed to reconsider said law, act, ordinance or bill. If, upon such reconsideration, a majority of the whole number of the City Council shall agree to pass it, it shall have the same effect as if signed by the Mayor.

Sec. 18. The Mayor shall be elected from the citizens at large, by the inhabitants of the city, voting in their respective wards; one Alderman shall be elected by each ward, being residents in the wards where elected; all said officers shall be elected by ballot, by a majority of the votes given, (changed to plurality, see Acts of 1883, Chapter 323), and shall hold their offices one year from the third Monday in March, and until others shall be elected in their places.

Sec. 20. On the second Monday in March, annually, immediately after a Warden and Clerk shall have been elected and sworn, the qualified electors of each ward shall ballot for a Mayor, one Alderman; all the votes given for the said several officers, respectively, shall be sorted, counted, declared and registered in open ward meeting, by causing the names of the persons voted for, and the number of votes given to each, to be written on the ward record at length. The Ward Clerk, within twenty-four hours after such election, shall deliver to the persons elected Aldermen, certificates of their election, and shall forthwith deliver to the City Clerk a certified copy of the record of such election; provided, however, that if the choice of Aldermen cannot conveniently be effected on that day, the meeting may be adjourned from day to day to complete such election. The persons receiving the highest number of votes for Aldermen, Warden or Clerk shall be declared elected; if no one shall then have such highest number, the balloting shall be continued from day to day, until a choice is thus effected. In balloting for Mayor, the person receiving the highest number of votes given in all the wards shall be declared

elected. The Board of Aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected Mayor, to be notified, in writing, of his election; but if it shall appear that no person shall have been elected, or if the person elected shall refuse to accept the office, further elections shall in the same manner be ordered, till a choice shall have been made by someone having the highest number of votes; and in case of a vacancy in the office of Mayor, by death, resignation or otherwise, it shall be filled for the remainder of the term by a new election, in the manner hereinbefore provided for the choice of said officer; and in the meantime the president pro tempore of the Board of Aldermen shall perform the duties of the Mayor. The oath prescribed by this act shall be administered to the Mayor by the City Clerk, or any Justice of the Peace, in said city. The Aldermen elect, shall, on the third Monday of March, at ten of the clock in the forenoon, meet, when the oath required by the second section of this act, shall be administered to the members present, by the Mayor or any Justice of the Peace.

Sec. 21. The City Clerk shall be the Clerk of the Board of Aldermen; he shall perform such duties as shall be prescribed by the Board of Aldermen; and shall perform all duties, and exercise all the powers by law incumbent upon, or vested in the Town Clerk of the Town of Biddeford; he shall give notice in one or two of the papers printed in said city of the time and place of regular ward meetings; but the place of regular ward meetings, and also the day and hour, when not fixed by law, shall be determined by the Board of Aldermen. The Board of Aldermen may, in the absence of the Mayor, choose a President pro tempore, who shall preside at meetings of the board. The board shall keep a record of its proceedings, and judge of the election of its own members; and in case of failure of election, or vacancy by death, resignation, or otherwise, may order new elections. A quorum for the transaction of business, shall consist of a majority of members thereof; all meetings of the Aldermen shall be open and public, and the presiding officer shall have the power of moderators of town meetings. At any of said meetings, when any two members shall request it, the vote

shall be taken by yeas and nays, which shall be recorded by the Clerk.

Sec. 24. For the purpose of organizing the system of government hereby established, and putting the same in operation, in the first instance, the Selectmen of the town, for the time being, shall seasonably, before the second Monday of March, next after the acceptance of this charter, issue their warrants for calling meetings of the said citizens at such place and hour upon said day, as they shall think expedient, for the purpose of choosing a Warden and Clerk for each ward, also to give their votes for a Mayor to be taken from the city at large, and one Alderman; the transcript of the records of each ward specifying the votes given for Mayor, one Alderman certified by the Warden and Clerk of such ward, shall at said first election, be returned to the said Selectmen of the said town of Biddeford, whose duty it shall be to examine and compare the same; and in case said election shall not be completed at the first election, then to issue a new warrant until such election shall be completed according to the provisions of this act; and to give notice thereof, in the manner hereinbefore directed, to the several persons elected. And at said first meeting, any inhabitant of said ward, being a legal voter, may call the citizens to order and preside until a Warden shall have been chosen; and at said first meeting, a list of voters in each ward, prepared and corrected by the Selectmen of the town of Biddeford for the time being, shall be delivered to the Clerk of each ward when elected, to be used as provided by the law in town meetings; and it shall be the duty of the City Council in convention, immediately after their first organization, to elect by ballot, a City Clerk and all other necessary city officers, who shall hold their offices respectively until others are chosen and qualified in their places.

LAWS OF 1862, CHAPTER 170. AMENDMENT

Section 1. No member of the Board of Aldermen of the City of Biddeford, shall, during the year for which he was elected, be eligible by election of the City Council to any office of profit or emolument in said city.

This act shall be submitted to the qualified voters of the City of Biddeford, at a special election to be called by the Municipal Officers of said city at such time as they may de-

termine after the passage of this act, and the City Clerk of said city shall reduce the subject matter to the following question:

“Shall the Common Council of the City of Biddeford be abolished?”

And the qualified voters shall indicate by a cross placed within a square upon their ballots, opposite the words “yes” or “no” their opinion of the same and if a majority of votes be cast in favor of the question the act shall take effect on the second Monday of March, A. D., 1932.

All acts, parts of acts, inconsistent herewith and amendatory hereto are hereby repealed.