

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 290

H. P. 845

House of Representatives, January 31, 1935.

Referred to Committee on Legal Affairs and 500 copies ordered printed.
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Eddy of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT to Amend the City Charter of Bangor.

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

Sec. 1. P. & S. L., 1931, c. 54, art. 3, amended. Article 3 of chapter 54 of the private and special laws of 1931 is hereby amended to read as follows:

ARTICLE III

INITIATIVE AND REFERENDUM

Sec. 1. Power of city council. No ordinance, order or resolve, except orders granting licenses and permits, passed by the city council shall take effect until ten days after its passage except that the city council may, by a two-thirds yea and nay vote of its members, pass emergency resolves to take effect at the time indicated therein, but such emergency resolves shall contain a section in which the emergency is set forth and defined.

Sec. 2. Referendum. Upon written petitions signed in the aggregate by not less than 500 registered voters of the city of Bangor, addressed to the city council and filed in the office of the city clerk of said city, requesting that one or more ordinances, orders or resolves passed by the city council, but not then in effect by reason of the provisions of the preceding section, be referred to the people, such ordinances, orders or resolves

as are specified in such petition shall not take effect until five days after the same have been adopted by a majority vote of the electors voting thereon at a city election.

Sec. 3. Initiative. The registered electors of the city of Bangor may propose to the city council for its consideration, any ordinance, order or resolve, including resolves to amend or repeal emergency resolves, by written petitions addressed to the city council and filed in the office of the city clerk. Any ordinance, order or resolve thus proposed in the aggregate by not less than 500 registered electors, unless passed without change by the city council at the session at which it is presented, shall be submitted to the electors at a city election and shall take effect 5 days after its adoption by a majority vote of the electors voting thereon at such election.

Sec. 4. Repeal of popular ordinances, orders or resolves enacted by the people. No ordinance, order or resolve proposed by petition or adopted by vote of the electors shall be repealed or amended except by a vote of the people unless such ordinance, order or resolve shall otherwise expressly provide.

Sec. 5. Requirements and form of petition. The petitions used to originate the referendum or the initiative shall be prepared by petitioners and shall be substantially in the following form:

“Petition to the Bangor City Council

For the Submission to the People of the Question

Shall the following proposed Ordinance, Order or Resolve be adopted:

(Full Text of Ordinance, Order or Resolve)

We, the undersigned, respectfully represent that we are duly qualified and registered voters of the city of Bangor, residing respectively at the addresses and within the wards placed opposite our names, and we hereby petition the city council to submit the foregoing question to the voters of Bangor at the next regular municipal election (or at a special election).

Names	Residences	Wards
.....
.....
.....

STATE OF MAINE

PENOBSCOT, ss.

Date

Personally appeared and made oath that witnessed the signing of each of the above signatures and that the signers had reasonable knowledge of the purpose of the petition.

Before me,

.....
NotaryPublic.

Sec. 6. Verification and presentation of petition to city council. Whenever referendum or initiative petitions are filed with the city clerk as hereinbefore provided, the city clerk shall immediately verify the number of valid signatures thereto and present such petitions with such verification thereto attached, at the first regular meeting of the city council thereafter.

Sec. 7. Time of election. Within ten days after referendum or initiative petitions, with the required number of valid signatures, are presented by the city clerk, the city council shall set a time for the holding of a special election at which the proposed or suspended ordinance, order or resolve shall be submitted to the voters of the city, which special election shall be held not less than 30, nor more than 60 days after such presentation, provided that if such petitions call for submission at the next regular municipal election or shall be so presented within four months next preceding a regular municipal election, no special election shall be called, but the question shall be submitted at said regular municipal election.

Sec. 8. Publication. Whenever any ordinance, order or resolve is required, by the provisions of this article to be submitted to the voters of the city at any election, the city council must order one publication of the complete text thereof to be made in two of the newspapers published in the city of Bangor, such publication to be made not less than 10 days, nor more than 15 days prior to the election.

Sec. 9. Form of ballot. The ballots used when voting on such proposed ordinances, orders or resolves, shall set forth the title thereof in full and state its general nature, and shall contain the words, "for the ordinance, order or resolve" and "against the ordinance, order or resolve."

Sec. 10. Conflicting ordinances, orders or resolves. Any number of

proposed or referred ordinances, orders or resolves may be voted upon at the same election. In the event that two or more ordinances, orders or resolves adopted at the same election shall contain conflicting provisions, the ordinance, order or resolve receiving the highest number of votes at such election shall be paramount, and all question of construction shall be determined accordingly.

Sec. 11. Order on the ballot. In the event that two or more ordinances, orders or resolves are submitted at the same election, they shall be placed upon the ballot in order of the priority of the filing of the respective petitions and shall be given precedence upon the ballot over any and all questions submitted by the city council on its own initiative.

Sec. 12. Further regulations. The city council shall, by ordinance make such further regulations as shall be necessary to carry out the provisions of this article.

Sec. 13. Ordinances, orders or resolves submitted to popular vote. The city council may submit on its own initiative a proposition for the enactment, repeal or amendment of any ordinance, order or resolve, except as herein otherwise provided, to be voted upon at any municipal election, and should such proposition receive a majority of the votes cast thereon at such election, such ordinance, order or resolve shall be enacted, repealed or amended accordingly.'

Sec. 2. P. & S. L., 1931, c. 54, art. IV, § 8, amended. Section 8 of article IV, chapter 54 of the private and special laws of 1931 is hereby amended to read as follows:

'Sec. 8. 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.

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 the 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.

For CITY COUNCIL (3 years)	Vote for ()	
Name of candidate	Residence	
Name of candidate	Residence	
Name of candidate	Residence	
For WARDEN (1 year)	Vote for one	
Name of candidate	Residence	
For WARD CLERK (1 year)	Vote for one	
Name of candidate	Residence	

Back of the Ballot
 OFFICIAL BALLOT
 BANGOR

Ward

Monday,, 19

(Facsimile of Signature)
 City Clerk.'

Sec. 3. P. & S. L., 1931, c. 54, art. VI, § 6, amended. Section 6 of article VI of the private and special laws of 1931, is hereby amended to read as follows:

‘Sec. 6. Transfers. The city council in the appropriation resolve shall provide for a reserve fund from which transfers shall be made only by vote of the city council, and no transfer of any money shall be made from any fund other than this reserve fund until the end of the fiscal year, at which time after all warrants have been paid out of the various funds against which such warrants have been drawn, the auditor shall transfer to the reserve fund any balance or balances then remaining in the various other funds, except balances in the school fund; the city council shall then transfer the full balance then in the reserve fund to the surplus account of the city; provided, however, that the city council may in special cases,

continue any particular fund without transfer temporarily pending the completion of expenditures in process or in contemplation.'

Sec. 4. P. & S. L., 1931, c. 54, art. VI, § 7, amended. Section 7 of article VI, chapter 54, of the private and special laws of 1931 is hereby amended to read as follows:

'Sec. 7. Borrowing. The borrowing of money by and for the city shall be limited as to form and purpose by the provisions of section 8 and section 10 of article 6 of this charter. The credit of the city shall in no manner be loaned to any individual, association or corporation.'