

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 674

NEW DRAFT OF H. P. 845—L. D. 290

H. P. 1529

House of Representatives, February 28, 1935.

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

HARVEY R. PEASE, Clerk.

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 Article 3 of chapter 54 of the private and special laws of 1931 is hereby repealed and the following enacted in place thereof:

ARTICLE III

INITIATIVE AND REFERENDUM

Sec. 1. Power of city council. No legislative ordinance, order or resolve passed by the city council shall take effect until 10 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 resolve shall contain a section in which the emergency is set forth and defined.

Sec. 2. How invoked. The submission to the vote of the people of any proposed legislative ordinance, order or resolve, or of any legislative ordinance, order or resolve enacted by the city council and which has not yet gone into effect, may be accomplished by the presentation of a petition

therefor to the city council in the manner hereinafter provided. Any 10 registered voters of the city of Bangor may originate a petition putting in operation the initiative or the referendum, by signing such petition at the office of the city clerk. Whenever requested by 10 such voters, the city clerk shall prepare the proper petition with a copy of the ordinance, order or resolve to be submitted attached thereto and upon its being signed by said 10 voters, the city clerk shall file the petition and shall, during office hours for 30 business days thereafter, keep the same open for signature by registered voters of the city, and no such petition shall be signed or presented for signature at any place other than the clerk's office. At the expiration of said 30 days, the city clerk shall declare the petition closed and shall, at the first regular meeting of the city council thereafter, present to that body the petition with verification of the number of valid signatures thereto attached. If the number of valid signatures to said petition shall amount to 500 or more, the city council shall immediately take the necessary steps to submit to the voters of the city the question proposed in said petition; provided that in the case of the referendum the entire repeal of the ordinance, order or resolve sought to be referred, and in the case of the initiative, the passage by the city council of the desired ordinance, order or resolve, shall put an end to all proceedings under said petition.

Sec. 3. Effect of referendum petition. Whenever there has been originated as aforesaid a petition for the reference to the people of any such ordinance, resolve or order passed by the city council, and the required number of valid signatures has been obtained thereon for its presentation to the city council, the same shall be suspended from going into operation until it has been submitted to a vote of the people and has received the affirmative vote of a majority of the voters voting on said question.

Sec. 4. Repeal of popular ordinances, orders or resolves enacted by the people. No ordinance, order or resolve proposed by petition and 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. Form of petition. The petition used to originate the initiative or the referendum shall be substantially in the following form:

Petition to the Bangor City Council

For the submission to the People of the Question

Shall the ordinance, order or resolve, a copy of which is hereunto attached, be adopted?

We, the undersigned, under oath, depose and say that we are duly qualified voters of the city of Bangor, residing respectively at the addresses placed opposite our names, and we hereby petition the city council to submit the foregoing question to the voters of the city of Bangor.

Names	Residences	Date
.....
.....
.....

I,, the city clerk of the city of Bangor, do solemnly affirm that I witnessed the signing of each of the above signatures and that, at the time of said signing, I made certain that the person affixing his name thereto had reasonable knowledge of the purpose of the petition.

.....
City Clerk.

Date

Sec. 6. Time of election. Within 10 days after an initiative or referendum petition with the required number of valid signatures is 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, resolve or order 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, or the city council in its discretion may submit the matter at the next regular municipal election.

Sec. 7. 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 2 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. 8. 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. 9. Result of election. If a majority of the qualified voters voting on said proposed initiative ordinance, order or resolve or said referred ordinance, order or resolve, shall vote in favor thereof, such ordinance, order or resolve shall take effect 5 days after the declaration of the official canvass of the return of said election.

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 2 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 2 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 repealed and the following enacted in place thereof:

'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 repealed and the following enacted in place thereof:

'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, of chapter 54, of the private and special laws of 1931 is hereby repealed and the following enacted in place thereof:

'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.'