

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 932

H. P. 1871

House of Representatives, April 5, 1935.

Reported by Mr. Donahue from Committee on Legal Affairs and laid on table to be printed under Joint Rules.

HARVEY R. PEASE, Clerk.

NEW DRAFT OF H. P. 839, L. D. 286

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Amending the Charter of the City of Biddeford.

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

Sec. 1. Duties of mayor of Biddeford, clarified. Section 3 of chapter 66 of the private and special laws of 1933 is hereby amended to read as follows:

'Sec. 3. Duties of mayor. 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 suspend such subordinate officers for misconduct in office, provided that within 3 days after such suspension, he shall convene the city council and present at such meeting written charges of such misconduct. **At such meeting** the ~~city~~ council shall have power to suspend or remove such subordinate officer. He may call special meetings of the city council when, in his opinion, the interests of the city require it, by a notice printed in a newspaper in the city, or by causing a summons or notification to be given in hand to, or left at the usual dwelling place of, each member of the

board. He shall, from time to time, communicate to the city council such information, and recommend such measures as the business and interests of the city may, in his opinion, require. He shall preside in the city council, but shall have only a casting vote. The salary and compensation of the mayor shall be \$1,500 per year, which shall not be increased or diminished during his continuance in office, unless by the vote of the qualified electors in ward meetings called for that purpose. Nor shall he receive from the city any other compensation for any service by him rendered in any other capacity or agency. The councilmen, with the exception of the members of the finance committee, shall receive no compensation for their services as such ~~unless by vote of the qualified electors in the ward meetings called for that purpose.~~ The councilmen who shall be members of the finance committee shall receive such compensation as the council may determine. No councilman shall directly or indirectly enter into any contract with the city.'

Sec. 2. Powers of city officials regulated. Section 4 of chapter 66 of the private and special laws of 1933 is hereby amended to read as follows:

'Sec. 4. City officials; election; term of office; finances. With the exception of the administration of the department of education and the police department, as hereinafter provided, all the executive powers of said city, generally, with all the powers of the selectmen of towns within the state, shall be vested in the mayor and city council as fully as if the same had been particularly enumerated herein; ~~all of the powers now vested in the inhabitants of said city and all powers granted by this act, shall be vested in the mayor and city council of said city.~~ On the 1st Monday of January of each year, or as soon thereafter as conveniently may be, the mayor shall nominate all necessary subordinate officers and agents for the city for the ensuing year, including 1 assessor whose term of office shall be for the period of 3 years, city solicitor, city auditor, city clerk, city treasurer, overseer of the poor, road commissioners for the several districts, 2 members of a finance committee, collector of taxes, health officer and such other necessary officers as is prescribed by the statutes of this state or the ordinances of the city, and which nominations shall be subject to the confirmation of the city council. All such officers so nominated and confirmed, after being duly sworn, shall be the duly elected and qualified officers of the city of Biddeford. All principal and subordinate officers of the city (except assessors, members of board of education, members of the board of police, chief engineer and members of fire department) after the effective date of this act, shall hold their office only until the 1st day of

January following. The members of board of assessors, board of education, and board of police, where terms of office have 1 year or more remaining, shall hold their respective offices accordingly until the 1st and 2nd anniversary respectively of a new city government. All vacancies created during the current year shall be filled as hereinbefore provided. All the subordinate officers and agents, with the exception of assessors, members of board of education and board of police, chief engineer and members of fire department, shall hold their offices during the ensuing year or during the pleasure of the mayor and city council, and until others shall be nominated, confirmed and qualified in their stead. **All subordinate officers, on the 30th day of November of the fiscal year, shall present a written report of their receipts and expenditures to the mayor and city council.** All moneys 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 moneys 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 surties 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 authorize the purchase within the limits of any appropriation therefor, and take in the name of the city such real or personal property, not exceeding the sum of \$1,000,000, including the property now owned by the city, as they may think useful to the public interest. And the city council shall, ~~as often as once a year,~~ **on the 1st Tuesday after the 1st Monday of December,** 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. 3. P. & S. L., 1933, c. 66, § 5, amended. Section 5 of chapter 66 of the private and special laws of 1933 is hereby amended to read as follows:

Sec. 5. Veto power of mayor. Every law, act, ordinance or bill appropriating money, having passed the city council, shall forthwith be presented in hand to the mayor of the city by the clerk of the board, and if he approves the same he shall sign it; if not, he shall return it to the city council within 7 days with his objections thereto in writing, and

which objections shall be entered upon the journals of the city council. ~~In case no meeting of city council is held within 7 days, he may return such objections at the next meeting of the city council, the same shall proceed to reconsider said law, act, ordinance or bill.~~ If, upon such reconsideration, 2/3 of the whole number of said city council shall vote to pass the same, it shall have the same effect as if signed by the mayor.'

Sec. 4. P. & S. L., 1933, c. 66, § 6, amended. Section 6 of chapter 66 of the private and special laws of 1933 is hereby amended so that the 1st and 2nd sentences thereof shall read as follows:

'On the 1st day of January, annually, or as soon thereafter as conveniently possible, the mayor shall nominate a finance committee consisting of 2 members of the city council subject to the confirmation of the remaining members of said board and of which committee the mayor, **city auditor and city treasurer** shall be ~~a~~ members ex officio. It shall be the duty of the finance committee, on or before the ~~1st day of March~~ **3rd Monday of January** of each year, to report to the city council a budget of proposed expenditures of all the various departments of the city government, including the school department, fire department, police department, street department, pauper department, and all other principal or subordinate departments of the city, including a contingent fund.'

Sec. 5. P. & S. L., 1933, c. 66, § 7, amended. Section 7 of chapter 66 of the private and special laws of 1933 is hereby amended so that the last sentence thereof reads as follows:

'The auditor, **like other subordinate officers**, shall annually ~~in~~ ~~on the month of November, cause to be published for the use of the inhabitants of the city,~~ **30th day of November, present to the mayor and city council**, a report containing a particular account of the receipts and expenditures of the city, and a schedule of the city property, and city debts and liabilities. **The auditor and treasurer shall be members of the finance committee.'**

Sec. 6. P. & S. L., 1933, c. 66, § 8, amended. The first sentence of section 8 of chapter 66 of the private and special laws of 1933 is hereby amended to read as follows:

~~'The overseer of the poor~~ **The clerk of the overseers of the poor**, subject to the supervision of the municipal officers when acting as overseers of

the poor, shall have all the powers and perform all the duties now prescribed by law for the boards of overseers of the poor in towns, excepting only the purchase of materials and supplies, which shall be purchased as herein provided.'

Sec. 7. P. & S. L., 1933, c. 66, § 14, amended. Section 14 of chapter 66 of the private and special laws of 1933 is hereby amended to read as follows :

'Sec. 14. Council of Biddeford may enact certain ordinances. The city council of Biddeford is hereby authorized to enact ordinances pertaining to the following businesses and purposes, and to authorize the city clerk of said city to grant licenses and permits therefor for such periods of time and in accordance with such rules and regulations not inconsistent with law, and upon payment by the licensee of such fees, and filing of such bonds as said city council may establish and make provision for by ordinance, to wit:

Auctioneers, the maintenance and operation of garages, filling stations, sidewalk tanks and pumps for the sale or distribution of gasoline and other volatile inflammable liquid for fuel or power, the manufacture, storage, sale, transportation, disposition and use of explosives and flammable liquids, billiard tables, pool tables, bowling alleys, roller skating rinks, junk dealers, dealers in old gold, silver and precious metals, hawkers and peddlers, employment agencies, itinerant vendors, public automobiles, taxicabs and motor busses and the drivers or operators thereof, public wagons and trucks and drivers or operators thereof, amusements, exhibitions and performances, theaters, moving picture houses, inn-holders, victualers, pawn brokers, lodging houses of 10 lodging rooms or more, public shooting galleries, the manufacture, storage, sale, disposition and use of fireworks, dance halls, circuses, and the erection and maintenance of signs, flags, banners, awnings, marquees, and all other things within the limits of the sidewalks, roads, ways and streets of said city, and no such objects placed within said limits in accordance with such ordinances, shall be deemed defects in such sidewalks, roads, ways and streets. All the laws, ordinances and regulations now in force in said city of Biddeford, and not inconsistent herewith, shall, notwithstanding this act, be and remain in full force until they expire by their own limitations, or be revised or repealed by the city council; and prosecution and suits may be commenced and proceeded thereon in the name of the city, by officers or other persons thereby empowered or directed to prosecute and sue; and the fines and penalties shall go to the uses provided in such laws or regulations.'

Sec. 8. P. & S. L., 1933, c. 66, § 15, amended. The second sentence of section 15 of chapter 66 of the private and special laws of 1933 is hereby amended to read as follows:

'In each of said wards, there shall annually, on the ~~1st~~ 3rd Monday of December, be chosen by ballot a warden and clerk, who shall hold their offices for 1 year, and until others shall have been chosen and qualified in their places.'

Sec. 9. P. & S. L., 1933, c. 66, § 16, amended. Section 16 of chapter 66 of the private and special laws of 1933 is hereby amended to read as follows:

'**Sec. 16. Elections.** The mayor shall be elected from the citizens at large by the inhabitants of the city voting in their respective wards, and shall hold his office for 1 year from the 1st ~~Monday~~ day of January following his election. 1 councilman shall be elected by each ward, being a resident in the ward where elected. 4 councilmen-at-large shall be elected from the citizens by the inhabitants of the city, but there shall be not more than 2 councilmen elected from any 1 ward. Said officers shall be elected by ballot by a plurality of the votes given, and they shall hold their office for 1 year from the 1st ~~Monday~~ day of January following their election in December, and until others shall be elected and qualified in their stead. On the ~~1st~~ 3rd Monday of December following the passage and acceptance of this act, the qualified electors of each ward shall ballot for a warden and ward clerk, 1 councilman, all inhabitants of the said ward, a mayor and 4 councilmen-at-large, 1 member of the board of education and 1 member of board of police. On the ~~1st~~ 3rd Monday of each December, following the 1st election held hereunder, an election shall be held in all the wards of the city for the election of a mayor, 1 councilman from each ward, a member of the board of education, member of board of police, and 4 councilmen-at-large. Vacancies in the office of the mayor or city council may also be filled at a special election duly called by law therefor.'

Sec. 10. P. & S. L., 1933, c. 66, § 19, amended. Section 19 of chapter 66 of the private and special laws of 1933 is hereby amended to read as follows:

'**Sec. 19. City clerk; meetings of council.** The city clerk shall be the clerk of the board of councilmen and shall perform all duties, and exercise all powers by law incumbent upon, or vested in the city clerk of the city

of Biddeford and by law vested in town clerks of the several towns within the state; he shall give notice in 1 or 2 of the papers printed in said city of the time and place of regular and special 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 **mayor and** board of councilmen. The city council may, in the absence of the mayor and president of the board, choose a president pro tempore, who shall preside at meetings of the board. The city council shall keep a record of its proceedings, and judge of the election of its own members, ~~subject to a review by the courts.~~ In case of failure of election, or vacancy by death, resignation, or otherwise, the city council may order new elections. A quorum for the transaction of business shall consist of a majority of members thereof; all meetings of the councilmen 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 2 members shall request it, the vote shall be taken by yeas and nays, which shall be recorded by the clerk.'

Sec. 11. P. & S. L., 1933, c. 66, § 23, amended. Section 23 of chapter 66 of the private and special laws of 1933, as amended, is hereby further amended to read as follows:

'Sec. 23. Fiscal year. The municipal, financial and fiscal years shall commence on the 1st ~~Monday~~ day of ~~January~~ **December** and terminate on the ~~1st Monday~~ 30th day of ~~November~~ **January** following.'

Sec. 12. Ratification. This act shall take effect 90 days after the adjournment of the legislature without formal acceptance by vote of the voters of Biddeford.