

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 5

S. P. 38

In Senate, January 12, 1937.

Referred to Committee on Legal Affairs and 1,000 copies ordered printed.
Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Spear of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT Relating to the Charter of the City of Portland.

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

Sec. 1. P. & S. L., 1923, c. 109, Art. II, § 1, amended. Section 1 of Article 2 of chapter 109 of the private and special laws of 1923 is hereby amended to read as follows :

'Sec. 1. Powers and duties. The administration of all the fiscal, prudential, and municipal affairs of said city, with the government thereof, except the general management, care, conduct and control of the schools of said city which shall be vested in a school committee as hereinafter provided, and also except as otherwise provided by this charter shall be and are vested in 1 body of § 7 members, which shall constitute and be called the city council, all of whom shall be inhabitants of said city, and shall be sworn in the manner hereinafter prescribed. Said city council shall exercise its powers in the manner hereinafter provided.

The members of the city council shall be and constitute the municipal officers of the city of Portland for all purposes required by statute, and, except as otherwise herein specifically provided, shall have all powers and

authority given to and perform all duties required of municipal officers ~~and mayors~~ of cities under the laws of this state.

The city council is hereby constituted the overseers of the poor of the city of Portland and shall perform all duties required of overseers of the poor for cities by statute or otherwise. As such overseers of the poor they may authorize a clerk or agent to sign in their name and send written notices and the written answers referred to or required in section 35 and 36 of chapter 29 of the revised statutes; and such written notices and written answers, so signed, shall have the same effect as if signed by one or more of said overseers and sent by a member or members of said overseers personally.

All the powers of establishing a watch and ward, now vested by the laws of the state in the justices of the peace and municipal officers, or inhabitants of towns, are vested in the said city council, so far as relates to said city; and they are authorized to unite the watch and police departments into one department and establish suitable regulations for the government of the same.

All other powers now or hereafter vested in the inhabitants of said city, and all powers granted by this act, except as herein otherwise provided, as well as all powers relating to the fire department, shall be vested in said city council.'

Sec. 2. P. & S. L., 1923, c. 109, Art. II, § 2, amended. Section 2 of article 2 of chapter 109 of the private and special laws of 1923 is hereby repealed and the following enacted in place thereof:

'Sec. 2. Composition, election, tenure of office, regions. The city council shall be composed of 7 members. Each member shall be elected from his or her respective region by a majority of the qualified voters of said region for a term of 2 years, and until their successor is elected and qualified. Each member shall be entitled to receive as salary the sum of \$400.00 per annum, payable quarterly, for all services rendered, and shall not be eligible while a member of the council to any other office of emolument or profit under the city charter or ordinances, nor to hold the office of city manager, or mayor.

The city of Portland is hereby divided into 7 regions as follows: region 1 shall consist of and include the portion of the city of Portland now known as and called ward 1; region 2 shall consist of and include the portions of the city of Portland now known as and called ward 2 and ward 3; region 3 shall consist of and include the portions of the city of Portland now known as and called ward 4 and ward 5; region 4 shall consist of and

include the portion of the city of Portland now known as and called ward 6; region 5 shall consist of and include the portion of the city of Portland now known as and called ward 7; region 6 shall consist of and include the portion of the city of Portland now known as and called ward 8; region 7 shall consist of and include the portion of the city of Portland now known as and called ward 9.'

Sec. 3. P. & S. L., 1923, c. 109, Art. II, § 3, amended. Section 3 of article II of chapter 109 of the private and special laws of 1923 is hereby repealed and the following enacted in place thereof:

'Sec. 3. Mayor. At each regular city election the citizens of the city of Portland shall elect a mayor for a term of 2 years. The mayor shall act as chairman of the council for his term of office, and until his successor is elected and qualified, and the city council may fill for any unexpired term any vacancy in the office of mayor that may occur. The mayor shall preside at all meetings of the council, and shall perform such other duties consistent with his office as the council may provide. He shall be entitled to vote only in case of a tie in the council vote. The mayor shall be recognized as the official head of the city for ceremonial purposes, and shall have the powers and authority given to, and perform the duties required of mayors of cities for all purposes of military law, and shall have the appointive powers in so far as representation is provided for the city upon any board or commission by any statute. In the temporary absence or disability of the mayor the city council may select a chairman pro tempore from among its number, and he shall exercise all the powers and duties incumbent on the mayor. The mayor shall have an annual salary of \$1,200.00 per annum, payable quarterly, for all services rendered, and shall not be eligible while mayor to any other office of emolument or profit under the city charter or ordinances, to the office of city manager.

Sec. 4. Referendum. This act shall be submitted for approval or rejection to the qualified voters of the city of Portland at an election to be held the first Monday in December, 1937, and warrants shall be issued for such election in the manner now provided for by law for the holding of municipal elections; notifying and warning the qualified voters of said city of Portland to meet in their several ward meeting places in their respective regions of said city of Portland, there to cast their ballot.'