

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. 649

H. P. 1611

House of Representatives, February 17, 1937.

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

HARVEY R. PEASE, Clerk.

S T A T E O F M A I N E

I N T H E Y E A R O F O U R L O R D N I N E T E E N H U N D R E D
T H I R T Y - S E V E N

AN ACT Creating a Board of Education for the City of Lewiston.

Emergency preamble. Whereas, a special election would incur additional expense to the city of Lewiston; and

Whereas, it is necessary that the city put in practice every possible means of economy; and

Whereas, if this act is not passed immediately it will unnecessarily increase the financial burden of the city by making necessary the expense of a special election; and

Whereas, there has been long continued controversy within the city of Lewiston among its citizens irrespective of party affiliation respecting the school system and the conduct of the schools within said city; and

Whereas, such continued controversy tends to lower confidence in the superintending school committee, weakening the morale of the teaching staff in said schools with a resultant detriment to the children of said schools; and

Whereas, it is in the interest of public peace, health and safety that this controversial situation be corrected by the immediate passage of this act; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety, now, therefore

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

Sec. 1. P. & S. L., 1868, c. 465, § 1, amended. Section 1 of chapter 465 of the private and special laws of 1868 is hereby amended by striking out all of said section and substituting in place thereof the following, to wit:

'Sec. 1. Board of education. There is hereby created a board of education of the city of Lewiston, which shall consist of 5 members, all of whom shall be legal voters and residents of the city of Lewiston.'

'Sec. 1-A. Appointments; terms. The mayor of the city of Lewiston, without confirmation of the board of aldermen, shall appoint the members aforesaid in the month of April of 1937, as follows: 1 for a term of 5 years, 1 for a term of 4 years, 1 for a term of 3 years, 1 for a term of 2 years, and 1 for a term of 1 year. Thereafter, an appointment of a member shall be made annually in the month of April for a term of 5 years. The term of office of each member shall begin on the May 1st immediately following his appointment. Vacancies occurring during any term shall be filled by appointment for the unexpired term. If the mayor neglects or refuses to fill such vacancy within 30 days, the remaining members of the board shall make the appointment. Not more than 3 members of the board shall be registered in the same political party at the time of appointment. No member of the board shall hold any other municipal office, either elective or appointive while serving as a member of such board. Any member of the board of education may be removed for cause. Proceedings for this removal shall be brought on a petition or application of not less than 10 taxable inhabitants of the city of Lewiston, briefly setting forth the cause of the complaint and it shall be heard by the justice of the supreme judicial or superior court, before whom such a petition shall be returnable and whose decision upon the question of removal shall be final.'

Sec. 2. P. & S. L., 1868, c. 465, § 2, amended. Section 2 of chapter 465 of the private and special laws of 1868, as amended by chapter 129 of the private and special laws of 1907, is hereby further amended to read as follows:

'Sec. 2. Powers and duties. The ~~superintending school committee~~ board of education of said city of Lewiston, may exercise all the powers

conferred, and shall discharge all the duties imposed, by law, on superintending school committees and district school agents; and they ~~may~~ **shall** also appoint a superintendent of schools and truant officers, for such term and with such compensation as the ~~superintending school committee~~ **said board of education** of said city of Lewiston may determine. Such superintendent may be removed **for cause** at the pleasure of said ~~committee~~ **board of education**, and ~~any~~ the vacancy shall be filled by their appointment. **The said board shall serve without compensation.'**

Sec. 3. P. & S. L., 1868, c. 465, amended. Wherever in chapter 465 of the private and special laws of 1868, as amended, the words "superintending school committee" shall appear, the words 'board of education' shall be substituted.

Sec. 4. Effective date of act. This act shall take effect only on its acceptance by the voters of the city of Lewiston in the manner hereinafter provided for, except in that the holding of such election is hereby authorized.

Sec. 5. Submission to voters. This act shall be submitted for approval or rejection to the qualified voters of the city of Lewiston at an election to be held the 1st Monday in March, 1937, and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said city to meet in the several ward rooms of said city, there to cast their ballots concerning the acceptance of this act for the city of Lewiston. The vote shall be taken by ballot at said election in answer to the question: "Shall an act passed by the legislature in the year 1937 entitled 'An Act Creating a Board of Education for the City of Lewiston' be accepted?" which question shall be printed on the official ballots and at said election the voters of said city in favor of accepting this act shall vote "Yes" and those opposed shall vote "No."

Otherwise said ballot shall be in the form provided by law when a constitutional amendment is submitted to the vote of the people. The provisions of law relating to the preparation of voting lists for municipal elections shall apply to such election and said election shall in all other respects be conducted and the results thereof shall be determined in the manner now provided by law for the determination of the election of mayor. If a majority of the valid ballots cast as aforesaid shall favor accepting the same, then this act shall forthwith take effect as herein provided; otherwise, it shall become null and void.

Emergency clause. In view of the emergency created as recited in the preamble this act shall take effect when approved.