

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 347

H. P. 833

House of Representatives, January 30, 1941.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Slosberg of Gardiner.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT to Amend the Charter of the City of Gardiner.

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

Sec. 1. Biennial elections provided for. Wherever in sections 5, 8, 9, 15, 19, 20, 21, 23, 24, 25, and 36 of chapter 244 of the private and special laws of 1913, as amended, the word "annual" appears, it shall be stricken out and 'biennial' substituted therefor, and wherever in said sections the word "an" appears before the word "annual" it shall be changed to 'a', and wherever the word "annually" appears in said sections it shall be changed to 'biennially.'

Sec. 2. P. & S. L., 1919, c. 244, § 7, amended. The paragraph numbered (1) of section 7 of chapter 244 of the private and special laws of 1919, as amended by section 2 of chapter 58 of the private and special laws of 1923, is hereby further amended to read as follows:

'(1) At the first city election held after the acceptance and under the provisions of this act and ~~annually~~ **biennially** thereafter at each and every ~~annual~~ **biennial** city election, there shall be elected the mayor for the term of the ~~one~~ **2** municipal ~~year~~ **years** next following his election, and 1 alderman from each and every one of the 6 wards of the city for the term of ~~one~~ **2** municipal ~~year~~ **years** next following their election.'

Sec. 3. P. & S. L., 1913, c. 244, § 13, amended. Section 13 of chapter 244 of the private and special laws of 1913, as amended by section 4 of chapter 58 of the private and special laws of 1923, is hereby further amended to read as follows :

‘Sec. 13. Publication of nominations; ballots. On the 1st day, not being Sunday or a legal holiday following the expiration of the time for filing the above described statements and petitions, the city clerk shall cause to be published in one daily newspaper published in the city, if there be any, otherwise in the nearest daily newspaper published in Kennebec county, the names and residences of the candidates for nomination who have duly filed the above mentioned statements and petitions, and the offices and terms for which they are candidates for nomination, as they are to appear on the official ballots to be used at the preliminary election for nominations. **But where not more than 2 candidates for nomination for any office have duly filed the above mentioned statements and petitions, the city clerk in his published statement shall declare that whereas not more than 2 candidates for nomination have duly filed the statements and petitions as required by the city charter, no preliminary election shall be held, and the candidates whose names appear in this statement are thereby declared to be nominated for the offices and terms for which they are candidates. If there are more than 2 candidates for nominations for any office, then** the city clerk shall thereupon prepare the ballots to be used at such preliminary election for nominations and shall cause them to be printed, and the ballots so prepared shall be the official ballots and the only ballots used at such preliminary election for nominations. He shall prepare separate, distinctive ballots for each of the 6 wards of the city, which shall have the following heading on the face of the ballot :

“Official Nominating Ballot”

Ward (one, two, three, four, five or six—using the appropriate number.)

Candidates for nomination for (mayor and alderman) of the City of Gardiner at a preliminary election for nominations held on the day of in the year 19 , and on the back shall have the following heading :

City of Gardiner
Official Nominating Ballot
Preliminary Election

(Month)

(day)

(year)

Attest :

City Clerk.’

Sec. 4. P. & S. L., 1913, c. 244, § 31, amended. The 6th paragraph of section 31 of chapter 244 of the private and special laws of 1913, as amended by section 10 of chapter 58 of the private and special laws of 1923, is hereby further amended to read as follows:

'The mayor shall, at the first meeting and at every annual meeting thereafter, appoint, subject to approval by vote of a majority of all the aldermen the following officers: a city clerk, a treasurer who shall furnish such bond as shall be fixed by the city council and cannot hold the office of collector of taxes at the same time he is city treasurer, an auditor, a collector of taxes, a superintendent of streets and highways, a fire chief, a chief of police, a civil engineer, a city solicitor, a public health officer, an inspector of milk, ~~one member of the superintending school committee to serve for three years,~~ one trustee of the Gardiner Water District to serve for 3 years, and one director of the public library to serve for 3 years. Such other officers and assistants as shall be provided for by ordinance, or may be necessary to the proper and efficient conduct of the affairs of the city, or are required by statute, shall be appointed by the heads of the several departments subject to approval by the city council.'

Sec. 5. P. & S. L., 1913, c. 244, § 35, amended. Section 35 of chapter 244 of the private and special laws of 1913, as amended by section 14 of chapter 58 of the private and special laws of 1923, is hereby further amended to read as follows:

'**Sec. 35. Annual report to be published in newspaper and in pamphlet form.** ~~The city council shall, on or before the fifteenth day of each month, publish in a newspaper published in the city, or if there be no such newspaper, then in the nearest daily newspaper printed in Kennebec county, a statement showing the amount of each appropriation with the total credits and charges thereto and the balance thereunder to the first of the current month; and also a summary of its proceedings during the preceding month.~~ At the end of the municipal year ~~it~~ **the city council** shall cause a full and complete examination of all books and accounts of the city to be made by certified public accountants, and shall publish the result of such examinations in a newspaper published in the city, or if there be no such newspaper then in the nearest daily newspaper published in Kennebec county, and also with the annual city reports in pamphlet form.'

Sec. 6. P. & S. L., 1913, c. 244, § 39, amended. Section 39 of chapter 244 of the private and special laws of 1913, as amended by section 16 of

chapter 58 of the private and special laws of 1923, is hereby amended to read as follows:

'Sec. 39. Amended to conform to R. S., c. 16; mayor to purchase all supplies and property except when amount is \$300 or more, then bids to be advertised. The duties of the superintending school committee, as prescribed by the laws of the state, except as herein otherwise provided, shall be performed by a school committee ~~of three members~~, which shall also and in like manner have charge of the high school. **The school committee shall consist of 6 members, one from each ward, elected in the same manner as the members of the city council from the qualified voters of the city. They shall hold office for a term of 2 years and until their successors are duly elected and qualified. The mayor, shall be, ex officio, chairman of the school committee, but shall have no vote unless the members present and voting be equally divided.**

The school committee shall meet for organization within 7 days from date of election. The members elected shall be sworn to the faithful discharge of their duties by a justice of the peace or by the city clerk, and a record made thereof. A majority of the whole number elected shall be a quorum. The committee shall fill all vacancies in their number for the remainder of the unexpired term. The purchase of any site for a school building, the purchase of any building for school purposes, the plans for any alteration of any school building, the plans for any new school building, and the execution of any such plans for the alteration of old buildings or the building of new ones, subject to the provisions of chapter ~~6~~ **19** of the revised statutes and acts amendatory thereof, shall be determined, made, adopted and carried out by, and under the supervision of, the school committee acting jointly with the members of the city council.

The mayor shall purchase all books, stationery, school apparatus and schoolroom supplies required by the school committee or the superintendent of schools acting for them, but all ordinary repairs of school buildings and supplies or furniture for such buildings shall be made and purchased by the city council on recommendation by the school committee or the superintendent of schools acting for them. The mayor shall purchase all other property required by the city, save that when other property is required the value of which amounts to \$300 or more, the city council shall advertise for sealed bids therefor, reserving the right to accept or reject any or all bids or parts of bids. Such bids shall be addressed to said council and shall be accepted or rejected by said council, and upon the acceptance of any such bids or parts of bids, the mayor shall issue orders or execute contracts therefor. Should the city council fail to receive any such bids,

said council may instruct the mayor to purchase such property in the open market.

~~The members of the superintending school committee whose terms of office have not expired when the first election by the city council is held under this act, shall serve out their unexpired terms as members of the school committee aforesaid.~~

The tenure of the present members of the school committee shall terminate January 1, 1943.'

Sec. 7. Effective date. This act shall take effect 90 days after the adjournment of the legislature for the purpose of authorizing its submission to the voters of the city of Gardiner for its acceptance or rejection to be voted upon at the next regular or special election to be called in said city. Provided, however, that no special election shall be called for the purpose of voting on the acceptance of this act alone, but it shall not take further effect until and unless the majority of the legal voters of the city of Gardiner at the election heretofore authorized shall have by majority vote accepted the provisions of this act. It is the intent of the legislature that the acceptance of this act shall provide for the election of the officers of the city of Gardiner for and after the year 1943, and for the operation of the government of the said city on and after January 1, 1943 shall be according to the provisions of this act.

If a majority of the legal voters of the city voting in the said election vote in acceptance of this act, it shall become operative according to the provisions of this section. The city clerk shall forthwith file with the secretary of state a certificate of the action of the city thereon.