

# MAINE STATE LEGISLATURE

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N I N E T Y - F I R S T    L E G I S L A T U R E

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Legislative Document

No. 238

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S. P. 177

In Senate, February 2, 1943.

Referred to Committee on Legal Affairs, sent down for concurrence and ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Boucher of Androscoggin.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-THREE

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AN ACT Amending the Charter of the City of Lewiston.

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

Sec. 1. P. & S. L., 1939, c. 8, Art. III, § 1, amended. Section 1 of Article III of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof:

‘Sec. 1. Nomination by petition. The nomination of all candidates for elective offices shall be by petition and without party designation. The petition of a candidate for mayor shall be signed by not less than 200 nor more than 400 qualified voters of the city. The petition of a candidate for alderman shall be signed by not less than 100 nor more than 200 qualified voters of the ward wherein the candidate is to be elected. The petition of a candidate for warden or ward clerk shall be signed by not less than 25 nor more than 50 qualified voters of the ward wherein the candidate is to be elected. No voter shall sign petitions for more than 1 candidate for each office and should any voter sign more than 1 such petition, his signature shall be counted only upon the 1st petition filed and shall be held void upon all other petitions.’

Sec. 2. P. & S. L., 1939, c. 8, Art. IV, § 2, amended. Section 2 of

Article IV of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof:

**'Sec. 2. Term and salary. The term of office of the mayor shall be 1 year or until his successor shall have been elected and qualified. No person shall be eligible to the office of mayor for more than 2 terms in succession. The salary of the mayor shall be \$1500 for the term which shall be in full for the performance of his official duties.'**

**Sec. 3. P. & S. L., 1939, c. 8, Art. V, § 1, amended.** Section 1 of Article V of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof:

**'Sec. 1. President of council. The city council shall, as early in the term as may be, by ballot elect 1 of their number to be its president whose duties shall be to preside in the absence of the mayor and who in the event of a vacancy in the office of mayor shall perform the duties of that office until a mayor shall have been elected and qualified, save that he shall make no appointments which by the terms of this charter the mayor may be required to make; and while so acting he shall be entitled to the same pay that the mayor would have received, but he shall not be entitled to both the salary of mayor and the compensation of an alderman.'**

**Sec. 4. P. & S. L., 1939, c. 8, Art. VI, § 10, amended.** Section 10 of Article VI of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof:

**'Sec. 10. Salary. The salary of the city clerk shall be set by the board of finance and he shall receive no other compensation or emoluments for the performance of his official duties except fees paid by the state.'**

**Sec. 5. P. & S. L., 1939, c. 8, Art. VII, § 5, amended.** Section 5 of Article VII of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof:

**'Sec. 5. Salary. The salary of the corporation counsel shall be set by the board of finance.'**

**Sec. 6. P. & S. L., 1939, c. 8, Art. X, § 4, amended.** Section 4 of Article X of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof:

**'Sec. 4. Employees. The board shall have full power and authority to employ such superintendents, engineers, inspectors, foremen, agents, and employees as may be required for the administration of the affairs of the**

department, prescribe their duties, set their compensation subject to the approval of the board of finance, and terminate their employment at pleasure.'

**Sec. 7. P. & S. L., 1939, c. 8, Art. XI, § 1, amended.** Section 1 of Article XI of chapter 8 of the private and special laws of 1939, is hereby amended by adding at the end thereof the following:

'The police commission shall set the salaries of the personnel of the police department subject to the approval of the board of finance.'

**Sec. 8. P. & S. L., 1939, c. 8, Art. XI, § 11, amended.** Section 11 of Article XI of chapter 8 of the private and special laws of 1939, as amended by chapter 45 of the private and special laws of 1941, is hereby repealed and the following enacted in place thereof:

'**Sec. 11. Police matron.** A police matron shall be appointed by the commission and hold such office until retired or removed by law, and whose duties and powers in general shall be similar to that of a patrolman. She shall be entitled to a vacation of 2 weeks in each calendar year at such time as may be appointed by the chief of police, with pay. The commission shall set her salary subject to the approval of the board of finance. After having served as police matron or in a similar capacity, when her aggregate term of service shall equal 25 years or who while in the performance of duty in the department has become permanently disabled, upon her petition, she shall be retired and thereupon shall be entitled to a pension equal to  $\frac{1}{2}$  of the pay she was receiving at the time of her retirement or permanent disability.'

**Sec. 9. P. & S. L., 1939, c. 8, Art. XI, § 12, amended.** Section 12 of Article XI of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof:

'**Sec. 12. Special patrolmen.** Special patrolmen with pay may be appointed by the chief of police from a list furnished him by the commission, for a period of from 1 to 30 days and the commission shall set their compensation subject to the approval of the board of finance. Special patrolmen without pay may be appointed by the chief of police for a period of not more than 1 year for private duty.'

**Sec. 10. P. & S. L., 1939, c. 8, Art. XI, § 14, amended.** Section 14 of Article XI of chapter 8 of the private and special laws of 1939, as amended by chapter 98 of the private and special laws of Special Session, 1942, is hereby repealed and the following enacted in place thereof:

**'Sec. 14. Vacation of chief. The chief of police shall be entitled to 2 weeks' vacation each calendar year with pay, to be taken when and as he may desire. While upon vacation, or when incapacitated through illness, or absent from his office on the business of the department, the duties of his position shall be assumed by the senior captain.'**

**Sec. 11. P. & S. L., 1939, c. 8, Art. XI, § 15, repealed.** Section 15 of Article XI of chapter 8 of the private and special laws of 1939, as amended by chapter 45 of the private and special laws of 1941, is hereby repealed.

**Sec. 12. P. & S. L., 1939, c. 8, Art. XI, § 16, amended.** Section 16 of Article XI of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof and shall hereafterward be designated as 'Sec. 15':

**'Sec. 15. Vacations. Each patrolman, captain, inspector and police clerk shall be entitled to a vacation of 2 weeks in each calendar year with pay at such time as may be prescribed by the chief of police.'**

**Sec. 13. P. & S. L., 1939, c. 8, Art. XI, §§ 17, 18, 19, renumbered.** Sections 17, 18 and 19 of Article XI of chapter 8 of the private and special laws of 1939 are hereby renumbered as sections 16, 17 and 18, respectively, of said Article XI.

**Sec. 14. P. & S. L., 1939, Art. XI, c. 8, § 20, amended.** Section 20 of Article XI of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof, and shall hereafterward be designated as 'Sec. 19' of said Article XI:

**'Sec. 19. Enforcement of traffic laws; sealer of weights and measures; term of office; salary. The commission shall be charged with the enforcement of all laws and ordinances relative to the regulation of traffic and to the subject of weights and measures and shall appoint a sealer of weights and measures, prescribe his duties, set his compensation subject to the approval of the board of finance, and terminate his employment at pleasure.'**

**Sec. 15. P. & S. L., 1939, c. 8, Art. XI, § 21, amended.** Section 21 of Article XI of chapter 8 of the private and special laws 1939 is hereby repealed and the following enacted in place thereof, and shall hereafterward be designated as 'Section 20' of said Article XI:

**'Sec. 20. Retirement; permanent disability. Any member of the Lewiston police department who shall have arrived at the age of 65 years in active service, or any member who while in the performance of duty has become permanently disabled, or any police officer of the city who was a**

member of the police department at the time of the enactment of chapter 37 of the private and special laws of 1917 and who thereafter, but prior to the enactment of chapter 8 of private and special laws of 1939, arrived at the age of 65 years, while in active service, shall be entitled to a pension equal to  $\frac{1}{2}$  of the pay which such member received at the time of his retirement or permanent disability.'

**Sec. 16. P. & S. L., 1939, c. 8, Art. XI, § 22, amended.** Section 22 of Article XI of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof, and shall hereafterward be designated as 'Section 21' of said Article XI:

'**Sec. 21. Pensions, application for.** When application is made for pension because of permanent disability while in active service, the applicant shall satisfy the commission that he is permanently disabled and that his disability was incurred in the discharge of his duties as a member of the department.'

**Sec. 17. P. & S. L., 1939, c. 8, Art. XI, § 23, renumbered.** Section 23 of Article XI of chapter 8 of the private and special laws of 1939, shall hereafterward be designated as 'Section 22' of said Article XI.

**Sec. 18. P. & S. L., 1939, c. 8, Art. XI, § 24, amended.** Section 24 of Article XI of chapter 8 of the private and special laws of 1939, is hereby repealed and the following is enacted in place thereof and shall hereafterward be designated as 'Section 23' of said Article XI:

'**Sec. 23. Payment of pensions.** The pensions specified in this charter shall be paid monthly by the city treasurer and no pension shall be allowed unless application therefor shall have been approved by the commission.'

**Sec. 19. P. & S. L., 1939, c. 8, Art. XI, § 25, amended.** Section 25 of Article XI of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof and shall hereafterward be designated as 'Section 24' of said Article XI:

'**Sec. 24. Petition for retirement.** Any member of the police department who hereafter reaches the age of 60 years, and who has served not less than 25 years, shall be retired on his petition, and thereupon become entitled to a pension equal to  $\frac{1}{2}$  of the pay which such member received at the time of his retirement.'

**Sec. 20. P. & S. L., 1939, c. 8, Art. XI, additional.** Article XI of chapter 8 of the private and special laws of 1939, is hereby amended by adding

thereto a new section to be designated as 'Section 25' and to read as follows :

**'Sec. 25. Pension provisions for chief of police.** The chief of police shall be entitled to the benefits of this and the five preceding sections only (1) for permanent disability incurred in the performance of some duty devolving upon him as a member of the department, or (2) shall have been a member of the department continuously at the time of his retirement, including time served in any other capacity, not less than 25 years, or (3) having served in any other capacity next before his appointment as chief, he would have been entitled to the benefits of said sections at the date of his retirement if he had continued to serve until said date in the capacity in which he last served before his said appointment.'

**Sec. 21. P. & S. L., 1939, c. 8, Art. XI, additional.** Article XI of chapter 8 of the private and special laws of 1939, is hereby amended by adding thereto a new section to be designated as 'Section 26' and to read as follows :

**'Sec. 26. Employment after retirement age.** The commission may retain the services of any member of the department who has reached the age of retirement, from year to year, if he consents, while they deem it for the best interests of the department. In such cases he shall be entitled to his pension from the date of actual retirement.'

**Sec. 22. P. & S. L., 1939, c. 8, Art. XI, additional.** Article XI of chapter 8 of the private and special laws of 1939, is hereby amended by adding thereto a new section to be designated as 'Section 27' and to read as follows :

**'Sec. 27. Employment while on pension.** Any person receiving a pension under the provisions of this act may, if requested by the commission or any officer of the department, perform special police duty and receive compensation therefor, which compensation shall be set by the commission subject to the approval of the board of finance, provided that he shall not receive payment of pension for the time during which he is so employed.'

**Sec. 23. P. & S. L., 1939, c. 8, Art. XI, § 26, renumbered.** Section 26 of Article XI of chapter 8 of the private and special laws of 1939, formerly known as "Section 26" shall hereafterward be designated as 'Section 28' of said Article.

**Sec. 24. P. & S. L., 1939, c. 8, Art. XII, § 3, amended.** Section 3 of Article 12 of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof :

**'Sec. 3. Permanent membership.** All members of the department designated as permanent members when this chapter was enacted shall continue as such, and the commission may require a period of trial service of not less than 6 months of any applicant for permanent membership before enrolling him upon the list of permanent members. After 1 year of service all those qualified as permanent members shall be entitled to 2 weeks' vacation each year with pay at such time as may be prescribed by the commission.'

**Sec. 25. P. & S. L., 1939, c. 8, Art. XII, § 4, amended.** Section 4 of Article XII of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof:

**'Sec. 4. Officers; inspector of buildings; inspector of wiring.** The commission may employ a chief engineer, a superintendent of fire alarm, such assistant engineers and such other officers, members and employees of the department as they shall deem necessary, shall direct their organization, prescribe their duties, set their compensation subject to the approval of the board of finance, and terminate their employment at pleasure; save that permanent members of the department shall not be removed unless for inefficiency or other cause detrimental to the service of the department and after hearing. They may also appoint an inspector of buildings, an inspector of electric wiring, equipment and appliances, and such clerks and assistants to these officials as they may deem necessary, prescribe their duties, set their compensation subject to the approval of the board of finance, and terminate their employment at pleasure. They may designate any member of the department as defined in the first sentence of this section to perform any of the duties provided for in the second sentence, and any member so designated shall lose none of his rights as a member of the department.'

**Sec. 26. P. & S. L., 1939, c. 8, Art. XII, § 9, amended.** Section 9 of Article XII of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof:

**'Sec. 9. Retirement age.** Any member of the fire department who shall have arrived at the age of 65 years in active service and who shall have served not less than 25 years shall be retired and shall be entitled to a pension equal to  $\frac{1}{2}$  of the pay which such member received at the time of his retirement. The commission may retain the services of any member of the department who has reached the age of retirement, from year to year, if he consents, while they deem it for the best interests of the department. In



such cases he shall be entitled to his pension from the date of actual retirement.'

**Sec. 27. P. & S. L., 1939, c. 8, Art. XII, § 10, amended.** Section 10 of Article XII of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof:

**'Sec. 10. Pension for retirement.** Any member of the department who shall have served not less than 25 years shall be retired upon his petition, and thereupon shall be entitled to a pension equal to  $\frac{1}{2}$  of the pay which such member received at the time of his retirement.'

**Sec. 28. P. & S. L., 1939, c. 8, Art. XII, § 11, amended.** Section 11 of Article XII of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof:

**'Sec. 11. Qualifications of permanent members for pensions.** Any permanent member of the fire department who has become permanently disabled while in the actual performance of duty in the department shall be entitled to a pension equal to  $\frac{1}{2}$  of the pay which such member received at the time of his permanent disability.'

**Sec. 29. P. & S. L., 1939, c. 8, Art. XII, § 12, amended.** Section 12 of Article XII of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof:

**'Sec. 12. Qualifications of call members for pensions.** Any call member of the fire department who has become permanently disabled while in the actual performance of duty in the department shall be entitled to a pension equal to  $\frac{1}{2}$  of the lowest salary then paid to any permanent member of the fire department, but not less than \$25 a month.'

**Sec. 30. P. & S. L., 1939, c. 8, Art. XII, § 13, amended.** Section 13 of Article XII of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof:

**'Sec. 13. Payment of pensions.** The pensions hereinbefore specified shall be paid monthly by the city treasurer and no pension shall be allowed unless application therefor shall have been approved by the fire commission.'

**Sec. 31. P. & S. L., 1939, c. 8, Art. XII, § 14, amended.** Section 14 of Article XII of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof:

**'Sec. 14. Pensions, application for.** When application is made for pen-

sion because of permanent disability incurred while in the performance of duty in the department, the applicant shall satisfy the fire commission that he is permanently disabled and that his disability was incurred in the discharge of his duties as a member of the department.'

Sec. 32. P. & S. L., 1939, c. 8, Art. XII, § 15, amended. Section 15 of Article XII of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof:

'Sec. 15. Granting of pensions. The fire commission shall investigate and pass upon all matters pertaining to the pensions of firemen, in accordance with the provisions of this charter, and shall have authority to grant such pensions as provided herein.'

Sec. 33. P. & S. L., 1939, c. 8, Art. XIII, § 3, amended. Section 3 of Article XIII of chapter 8 of the private and special laws of 1939, is hereby amended by adding at the end thereof the following:

'They shall have control and management of the armory as a building devoted to educational purposes while it is used for educational or recreational purposes, and while so used they shall be charged with the repairs and maintenance thereof; provided that this act shall not be construed to interfere with or prevent its use at any time for military purposes. Bookings for the use of the armory for public purposes shall be made in such manner and at such rates as the board of finance shall from time to time order.'

Sec. 34. P. & S. L., 1939, c. 8, Art. XIII, § 4, amended. Section 4 of Article 13 of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof:

'Sec. 4. Officers, agents and employees. They may employ a superintendent of schools and such janitors, truant officers, directors of recreational activities and other agents and employees as they may deem necessary, prescribe their duties, set their compensation subject to the approval of the board of finance, and terminate their employment at pleasure.'

Sec. 35. P. & S. L., 1939, c. 8, Art. XIV, § 5, amended. Section 5 of Article XIV of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof:

'Sec. 5. City physician. They may employ a city physician, prescribe his duties, set his compensation subject to the approval of the board of finance, and terminate his employment at pleasure.'

Sec. 36. P. & S. L., 1939, c. 8, Art. XIV, § 6, amended. Section 6 of

Article XIV of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof :

**'Sec. 6. Employees. They may employ such superintendents, inspectors, foremen, and employees as may be required for the administration of the affairs of the department, prescribe their duties, set their compensation subject to the approval of the board of finance, and terminate their employment at pleasure. They may delegate to such subordinate officer as they may see fit power and authority to sign for them and in their behalf all notices and other documents which by statute are required to be executed by the board of overseers of the poor.'**

**Sec. 37. P. & S. L., 1939, c. 8, Art. XVI, § 1, amended.** Section 1 of Article XVI of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof :

**'Sec. 1. Employee of city to hold only 1 city office. Except as otherwise herein provided, no person holding any city office, elective or appointive, shall at the same time hold any other city office or be otherwise employed by the city, save in cases of emergency and subject first to the approval of the board of finance in each case.'**

**Sec. 38. P. & S. L., 1939, c. 8, Art. XVI, § 2, amended.** Section 2 of Article XVI of chapter 8 of the private and special laws of 1939, is hereby amended by adding at the end thereof the following :

**'To be eligible for appointment, a member shall be registered in the party he represents at least 6 months prior to the date of appointment, and provided also that he shall not have been registered in any other party within 1 year prior to the time of appointment.'**

**Sec. 39. P. & S. L., 1939, c. 8, Art. XVI, § 13, amended.** Section 13 of chapter 8 of the private and special laws of 1939, is hereby amended by adding at the end thereof the following :

**'The minutes of all meetings of all boards and commissions containing complete records of all actions taken at the meetings shall be available to the public at the office of the city clerk within 48 hours after said meetings.'**