

MAINE STATE LEGISLATURE

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NINETY - SECOND L E G I S L A T U R E

Legislative Document

No. 445

H. P. 832

House of Representatives, February 7, 1945.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Weeks of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT Amending the Charter of the City of Waterville.

Emergency preamble. Whereas, the city of Waterville, by resolution of its city government, has expressed itself as desirous of amending its charter; and

Whereas, it appears expedient to have such amendments take effect prior to the next municipal election to be held in the said city of Waterville on the 1st Monday in March, 1945; 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 P. & S. L., 1887, c. 195, § 6, repealed and replaced. Section 6 of chapter 195 of the private and special laws of 1887, as amended, is hereby repealed and replaced to read as follows:

'Sec. 6. Compensation of city officers; appointment of health officers; election of subordinate officers. The compensation of all subordinate city officers whatsoever shall be fixed by the city council. All officers of the

health department shall be appointed by nomination by the mayor and confirmation by the aldermen, and may be removed by them for good cause. All other subordinate officers shall be elected by joint convention of the city council, and such officers may be removed for good cause, by concurrent vote passed in each branch by the assent of $\frac{2}{3}$ of all the members thereof.

Except as otherwise specially provided in this act, all subordinate officers shall be elected biennially on the 1st Tuesday in January, or as soon thereafter as may be, and their term of office shall be for 2 years, and until others are qualified in their place. All vacancies may be filled by the board having authority to elect. Provided, however, that the term of office of all such foregoing subordinate officers assuming office on the 2nd Monday of March, 1945, shall expire on the 1st Tuesday of January, 1946, or as soon thereafter as their respective successors are appointed.'

Sec. 2. P. & S. L., 1887, c. 195, § 8, repealed and replaced. Section 8 of chapter 195 of the private and special laws of 1887, as amended, is hereby repealed and replaced to read as follows:

'Sec. 8. Assessors, their election, powers and duties; assessment and collection of taxes. The assessors shall be elected on the 1st Tuesday in January. At each election, one assessor shall be elected for 3 years, each of whom shall continue in office until some other person shall have been elected and qualified in his place. The city council shall elect an assistant assessor in each ward, whose duty it shall be to furnish the assessors with all the necessary information relative to persons and property taxable in his ward; he shall be sworn or affirmed to the faithful performance of his duty. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this state relative to town taxes, except as herein modified, and the city council may establish further or additional provisions for the collection thereof, and of interest thereon. Provided, however, that the term of office of the assessor elected on the 2nd Monday of March, 1945, shall expire on the 1st Tuesday of January, 1948, and that the term of office of the assessors elected in 1946 and 1947 shall commence on the 2nd Monday in March of 1946 and 1947 respectively, and expire on the 1st Tuesday of January in the years 1949 and 1950 respectively.'

Sec. 3. P. & S. L., 1887, c. 195, § 12, repealed and replaced. Section 12 of chapter 195 of the private and special laws of 1887, as amended, is hereby repealed and replaced to read as follows:

'Sec. 12. Mayor, how elected; election of aldermen and other officers; tenure. The mayor shall be elected by the inhabitants of the city, voting

in their respective wards. One alderman, 2 common councilmen, a warden, a clerk, and one constable shall be elected by each ward, being residents in the ward where elected. All said officers shall be elected by ballot by a plurality of the votes given, and shall hold their offices for 2 years from the 1st Tuesday in January, and until others shall be elected and qualified in their places. All city and ward officers shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding their removal after their election out of their respective wards into any other wards in the city, but they shall not be so held after they have taken up their permanent residence out of the city. Provided, however, that all of said officers whose terms of office shall commence on the 2nd Monday in March, 1945, shall serve until the 1st Tuesday of January, 1946, at which time their terms of office shall expire, or as soon thereafter as their respective successors shall be elected and qualified in their places.'

Sec. 4. P. & S. L., 1887, c. 195, § 13, repealed and replaced. Section 13 of chapter 195 of the private and special laws of 1887, as amended, is hereby repealed and replaced to read as follows:

'Sec. 13. Biennial election; boards of aldermen and councilmen, regular and special meetings, etc. On the 1st Monday in December, biennially, the qualified electors of each ward shall ballot for mayor, 1 alderman, 2 common councilmen, a warden and clerk, and 1 constable, on 1 ballot. The ward clerk, within 24 hours after such election, shall deliver to the persons elected, certificates of their election, and shall forthwith deliver to the city clerk, a certified copy of the record of such election, a plain and intelligible abstract of which shall be entered by the city clerk on the city records. If the choice of any ward officer is not effected on that day, the meeting shall be adjourned to another day, not more than 2 days thereafter, to complete such election, and may so adjourn, from time to time, until the election is complete. The board of aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor by a plurality of the votes given in all the wards, to be notified in writing of his election. But if it shall appear that no person shall have been so elected, or if the person elected shall refuse to accept the office, the said board shall issue their warrants for another election; and in case the citizens shall fail on a 2nd ballot to elect a mayor, the city council in convention shall, from the 4 highest candidates voted for at the 2nd election and returned, elect a mayor for the ensuing 2 years; and in case of a vacancy in the office of mayor by death, resignation or otherwise, it shall be filled for the remainder of the term by a new election in the manner hereinbefore provided

for the choice of said officer. The oath or affirmation prescribed by this act shall be administered to the mayor by the city clerk or any justice of the peace in said city, and a certificate thereof filed with the clerk and recorded. The aldermen and common councilmen elect shall, on the 1st Tuesday in January, at 10 o'clock in the forenoon, next after the election, meet in convention, when the oath or affirmation, required by section 2, shall be administered to the members of the 2 boards present by the mayor or any justice of the peace, after which the board of common council shall be organized by the election of a president and clerk. The city council shall, by ordinance, determine the time of holding stated or regular meetings of the boards, and shall also, in like manner, determine the manner of calling special meetings and the persons by whom the same shall be called, but until otherwise provided by ordinance, special meetings shall be called by the mayor, by causing a notification to be left at the usual residence or place of business of each member of the board or boards, to be convened. Provided, however, that an election of the foregoing officers shall take place on the 1st Monday in March, 1945 for a term of office expiring on the 1st Tuesday of January, 1946, as provided in section 12.'

Sec. 5. P. & S. L., 1887, c. 195, § 17, repealed and replaced. Section 17 of chapter 195 of the private and special laws of 1887, as amended, is hereby repealed and replaced to read as follows:

'Sec. 17. Aldermen and councilmen, no compensation. The aldermen and common councilmen shall not be entitled to receive any salary or other compensation during the term for which they are elected, nor be eligible to any office or profit or emolument, the salary of which is payable by the city, and all departments, boards, officers and committees, acting under the authority of the city and entrusted with the expenditures of public money, shall expend the same for no other purpose than that for which it is appropriated and shall be accountable therefor to the city, in such manner as the city council may direct.'

Sec. 6. P. & S. L., 1901, c. 383, § 1, repealed and replaced. Section 1 of chapter 383 of the private and special laws of 1901, as amended, is hereby repealed and replaced to read as follows:

'Sec. 1. Election and terms of members of board of education. The members of the board of education chosen for each of wards 1 and 2 at the annual election on the 1st Monday of March in the year 1945 shall hold office until the 1st Tuesday of January, 1950. The present members of the board of education, chosen from wards 5, 6 and 7, shall hold office until the 1st Tuesday of January, 1948. On the 1st Monday of December, 1947, a

member of the board of education shall be elected from each of wards 5, 6 and 7 to hold office from the 1st Tuesday in January, 1948 to the 1st Tuesday in January, 1952, and on the 1st Monday of December, 1945, a member of the board of education shall be elected from each of wards 3 and 4 to hold office from the expiration of the terms of their predecessors in 1946 until the 1st Tuesday in January, 1950. At each subsequent election, members shall be chosen by those wards whose members' terms are about to expire, and the term of office shall be for 4 years, commencing on the 1st Tuesday in January next after the election. In case of a vacancy, a member may be chosen by the ward in which the vacancy exists to fill the unexpired term.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.