

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1055**

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H. P. 1388

House of Representatives, March 28, 1945.

Reported by a Minority of Committee on Legal Affairs, both Reports tabled and New Drafts A and B ordered printed.

HARVEY R. PEASE, Clerk.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-FIVE

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**AN ACT Amending the Charter of the City of Portland.**

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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.** The 1st paragraph of section 1 of Article II of chapter 109 of the private and special laws of 1923 is hereby amended to read as follows:

'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 one body of ~~five~~ **9** 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.'

**Sec. 2. P. & S. L., 1923, c. 109, Art. II, § 1, amended.** Section 1 of Article II of chapter 109 of the private and special laws of 1923 is hereby amended by adding at the end thereof a new paragraph to read as follows:

'For the purpose of electing members of the city council, the city shall be divided into 6 districts to be composed of the following wards and pre-

cincts as they now exist; the 1st district shall be composed of the Island Ward 1 and Island Ward 2 and ward 1; the 2nd district shall be composed of wards 2, 3 and 4; the 3rd district shall be composed of ward 5 and ward 6, precincts 1 and 2; the 4th district shall be composed of ward 7, precincts 1 and 2; the 5th district shall be composed of ward 8, precincts 1, 2 and 3; and the 6th district shall be composed of ward 9, precincts 1, 2 and 3.'

Sec. 3. P. & S. L., 1923, c. 109, Art. II, § 2, amended. The 1st and 2nd paragraphs of section 2 of Article II of chapter 109 of the private and special laws of 1923 are hereby repealed and the following enacted in place thereof:

'The city council shall be composed of 9 members, each of whom shall be elected by the registered voters of the entire city. Three shall be elected at large from the registered voters of the entire city, and one shall be elected from each of the 6 districts, provided for in section 1 of Article II, from the registered voters of each district. Each member shall be elected for a term of 3 years and until his successor is elected and qualified, except as hereinafter provided in this section. At the 1st election of members of the city council held after the adoption of this amendment, 9 members shall be elected; 3 members shall be elected at large, the member elect who shall receive the largest number of votes cast shall hold office for 3 years, the member elect who shall receive the 2nd largest number of votes cast shall hold office for 2 years and the member elect who shall receive the 3rd largest number of votes cast shall hold office for 1 year, and each shall hold office until his successor is elected and qualified; and 6 members shall be elected, one from each district, the 2 members elect who shall receive the largest number of votes cast shall hold office for 3 years, the 2 members elect who shall receive the 2nd largest number of votes cast shall hold office for 2 years and the 2 members elect who shall receive the 3rd largest number of votes cast shall hold office for 1 year, and each shall hold office until his successor is elected and qualified.

Each member shall be entitled to receive as salary the sum of \$500 per year, 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, nor to act as city manager.'

Sec. 4. P. & S. L., 1923, c. 109, Art. II, § 1, amended. The 1st paragraph of section 1 of Article II of chapter 109 of the private and special laws of 1923 is hereby amended to read as follows:

'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 a mayor and in one body of ~~five~~ 9 members, which shall constitute and be called the ~~city council~~ board of aldermen, all of whom shall be inhabitants of said city, and shall be sworn in the manner hereinafter prescribed. Said ~~city council~~ board of aldermen shall exercise its powers in the manner hereinafter provided.'

Sec. 5. P. & S. L., 1923, c. 109, Art. II, § 1, amended. Section 1 of Article II of chapter 109 of the private and special laws of 1923 is hereby amended by adding at the end thereof a new paragraph to read as follows:

'For the purpose of electing members of the board of aldermen the city shall be divided into 6 districts to be composed of the following wards and precincts as they now exist; the 1st district shall be composed of the Island Ward 1 and Island Ward 2 and ward 1; the 2nd district shall be composed of wards 2, 3 and 4; the 3rd district shall be composed of ward 5 and ward 6, precincts 1 and 2; the 4th district shall be composed of ward 7, precincts 1 and 2; the 5th district shall be composed of ward 8, precincts 1, 2 and 3; and the 6th district shall be composed of ward 9, precincts 1, 2 and 3.'

Sec. 6. P. & S. L., 1923, c. 109, Art. II, § 2, amended. The 1st and 2nd paragraphs of section 2 of Article II of chapter 109 of the private and special laws of 1923 are hereby repealed and the following enacted in place thereof:

'The board of aldermen shall be composed of 9 members, of which three shall be elected at large from the registered voters of the entire city, and one shall be elected by and from the registered voters of each of the 6 districts, provided for in the preceding section. Each member shall be elected for a term of 3 years and until his successor is elected and qualified, except as hereinafter provided in this section. At the 1st election of members of the board of aldermen held after the adoption of this amendment, 9 members shall be elected; 3 members shall be elected at large, the member elect who shall receive the largest number of votes cast shall hold office for 3 years, the member elect who shall receive the 2nd largest number of votes cast shall hold office for 2 years and the member elect who shall receive the 3rd largest number of votes cast shall hold office for 1 year, and each shall hold office until his successor is elected and qualified; and 6 members

shall be elected, one from each district, the 2 members elect who shall receive the largest number of votes cast shall hold office for 3 years, the 2 members elect who shall receive the 2nd largest number of votes cast shall hold office for 2 years and the 2 members elect who shall receive the 3rd largest number of votes cast shall hold office for 1 year, and each shall hold office until his successor is elected and qualified.

Each member shall be entitled to receive as salary the sum of \$500 per year, payable quarterly, for all services rendered, and shall not be eligible, while a member of the board of aldermen, to any other office of emolument or profit under the city charter or ordinances, nor to hold the office of city manager, nor to act as city manager.

At the 1st election of members of the board of aldermen, a mayor shall be elected by a plurality of the votes cast by the registered voters of the entire city without regard to party lines. He shall hold office for a term of 2 years and until his successor is elected and qualified. He shall receive a salary of \$1,500 per year, payable quarterly, for all services rendered. He shall not be eligible, while mayor, to any other office of emolument or profit under the city charter or ordinances, nor to hold the office of city manager, nor to act as city manager.'

**Sec. 7. Nomination papers.** P. & S. L., 1923, c. 109, Art. V, § 3, amended. Section 3 of Article V of chapter 109 of the private and special laws of 1923, is hereby amended to read as follows:

'The nomination of all candidates for elective offices provided for in this chapter shall be by petition. The petition of a candidate for alderman at large or school committeeman shall be signed by not less than three hundred nor more than five hundred qualified voters of the city. The petition of a candidate for district alderman shall be signed by not less than one hundred fifty nor more than three hundred qualified voters of the district wherein the candidate is to be elected. The petition of candidates for warden, for ward clerk and for constable shall be signed by not less than twenty-five nor more than one hundred qualified voters of the ward wherein the candidate is to be elected. No voter shall sign petitions for more than one candidate for each office to be filled at the election, and should any voter sign more than one such petition, his signature shall be counted only upon the first petition filed, and shall be void upon all other petitions.'

**Sec. 8. Referendum.** This act shall take effect 90 days after the adjournment of this legislature only for the purpose of permitting its submission to the legal voters of the city of Portland at the next general election therein to be held on the 2nd Monday of September, 1945. 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 such city to meet in the several ward meetings of said city, there to cast their ballot concerning the selection of a charter for the city of Portland in substantially the following form:

**“FORM OF BALLOT**

Place a cross X in the square after the form of charter which you select. Mark only one form or your ballot will not be counted.

**FORMS OF CHARTER**

- Plan 1. present form of charter with city council of 5 members elected from the city at large without regard to ward lines and without party designation.
- Plan 2. Council manager form providing for a city council of 9 members, each elected by the registered voters of the entire city, 3 from the city at large without regard to ward lines or party designation; and 1 from each district without party designation.
- Plan 3. Form providing mayor and board of 9 aldermen, each elected by the registered voters of the entire city; 3 aldermen from the city at large without regard to ward lines or party designation; and 1 alderman from each district without party designation.”

**Sec. 9. Effective date.** The result of the vote shall be declared by the municipal officers and certificate thereof filed by the city clerk with the secretary of state. If a plurality of the valid ballots shall favor the adoption of Plan 2, the provisions of sections 1, 2 and 3 of this act shall take effect for all purposes immediately upon the acceptance of Plan 2 at the above election, and the provisions of sections 4, 5 and 6 shall be null and void. If a plurality of the valid ballots shall favor the adoption of Plan 3, the provisions of sections 4, 5 and 6 shall take effect for all purposes immediately upon the acceptance of Plan 3 at the above election and the provisions of sections 1, 2 and 3 shall be null and void; and the duties, powers and obligations of the city council under the provisions of chapter 109 of

the private and special laws of 1923 shall be assumed by the mayor and board of aldermen. If a plurality of the valid ballots favor the adoption of Plan 3, the provisions of chapter 109 of the private and special laws of 1923 shall be amended to conform with such Plan 3.