

MAINE STATE LEGISLATURE

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

Legislative Document

No. 501

H. P. 845

House of Representatives, February 5, 1947.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Bird of Rockland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Amending the Charter of the City of Rockland.

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

Sec. 1. P. & S. L., 1945, c. 125, Art. II, § 208, amended. Section 208 of article II of chapter 125 of the private and special laws of 1945 is hereby amended to read as follows:

'208. **Regulation of persons and businesses.** The city council is hereby authorized to enact ordinances regulating the following classes of persons, businesses, and purposes and shall designate the city manager ~~(who may delegate the power)~~ to grant licenses and permits therefor for such periods of time and in accordance with such rules and regulations, not inconsistent with law, upon payment by the licensee of such fees, and filing of such bonds as said city council may establish and make provisions for by ordinance, to wit: Auctioneers, the maintenance and operation of garages, filling stations, sidewalk tanks and pumps for the sale or distribution of gasoline and other volatile inflammable liquids for fuel or power, the manufacture, storage, sale, transportation, disposition and use of explosives and flammable liquids, billiard tables, pool tables, bowling alleys, roller skating rinks, junk dealers, dealers in second-hand parts and salvage of automobiles, dealers in second-hand merchandise, hawkers and peddlers, employment agencies,

itinerant vendors, public automobiles, taxi-cabs and motor buses, public wagons and trucks, amusements, exhibitions and performances, theatres, moving picture houses, inns, victualers, pawnbrokers, lodging houses of 10 lodging rooms or more, public shooting galleries, the manufacture, storage, sale, disposition and use of fireworks, dance halls, circuses, and the erection and maintenance of signs, flags, banners, awnings, marquees and all other things within the limits of the sidewalk, roads, ways and streets of said city, and no such objects placed within said limits in accordance with such ordinances shall be deemed defects in such sidewalk, roads, ways and streets.'

Sec. 2. P. & S. L., 1945, c. 125, Art. II, § 213, amended. Section 213 of article II of chapter 125 of the private and special laws of 1945 is hereby amended to read as follows :

'213. Induction of council into office. The city council shall meet at the usual place for holding meetings at ~~10 o'clock A. M.~~ **7:30 P. M.**, on the 3rd Monday in December following the regular city election, and at said meeting the councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace, or by the city clerk.'

Sec. 3. P. & S. L., 1945, c. 125, Art. II, § 225, repealed and replaced. Section 225 of article II of chapter 125 of the private and special laws of 1945 is hereby repealed and the following enacted in place thereof :

'225. Procedure for passage of ordinances; first reading. Every ordinance shall be introduced in writing and after a passage on first reading such ordinance or a summary thereof, together with notice of time and place when and where it will be given public hearing, shall be published at least 7 days prior to the time advertised.'

Sec. 4. P. & S. L., 1945, c. 125, Art. II, § 228, repealed and replaced. Section 228 of article II of chapter 125 of the private and special laws of 1945 is hereby repealed and the following enacted in place thereof :

'228. Ordinances, effective date. Every ordinance, unless it shall specify a later date, shall be effective at the expiration of 20 days after the date of final passage, or if the ordinance be submitted at a referendum election, then upon a favorable vote of a majority of those voting thereon, except as otherwise expressly provided by this charter.'

Sec. 5. P. & S. L., 1945, c. 125, Art. IV, § 402, amended. Section 402 of article IV of chapter 125 of the private and special laws of 1945 is hereby amended to read as follows :

'402. Organization, qualification, quorum. The school board shall meet for organization at ~~10 A. M.~~ **8 P. M.**, on the 3rd Monday in December in odd-numbered years, and after being duly sworn to the faithful discharge of duties by a justice of the peace or by the city clerk, shall elect a chairman from its membership for the ensuing biennium. Three members shall constitute a quorum for the transaction of business.'

Sec. 6. P. & S. L., 1945, c. 125, Art. V, § 516, amended. The 1st sentence of section 516 of article V of chapter 125 of the private and special laws of 1945 is hereby amended to read as follows :

'At any time in any budget year, the council may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditure ~~for other than a regular or recurring requirement~~ to protect the public health, safety or welfare.'

Sec. 7. P. & S. L., 1945, c. 125, Art. VI, § 620, repealed and replaced. Section 620 of article VI of chapter 125 of the private and special laws of 1945 is hereby repealed and the following enacted in place thereof :

'620. Surplus. Surplus shall include receipts during the previous fiscal year from taxes or liens against which a complete reserve has been established.'

Sec. 8. P. & S. L., 1945, c. 125, Art. VIII, § 804, repealed and replaced. Section 804 of article VIII of chapter 125 of the private and special laws of 1945 is hereby repealed and the following enacted in place thereof :

'804. Board of assessment review; qualifications. All members of such board shall be selected upon the basis of their knowledge of the subject of taxation and property values and shall at the time of their appointment have been residents of the city for at least 5 years immediately preceding and shall continue as residents during their terms of office. If a member of such board shall cease to be a resident his office shall thereby become vacant.'

Sec. 9. P. & S. L., 1945, c. 125, Art. VIII, § 805, amended. The 1st paragraph of section 805 of article VIII of chapter 125 of the private and special laws of 1945 is hereby amended to read as follows :

'The board of assessment review shall have the power to: (1) review on complaint of property owners assessments for the purpose of taxation of ~~real~~ property within the city made by the city assessor; (2) administer oaths; (3) take testimony; (4) hold hearings; (5) adopt regulations regarding the procedure of assessment review.'

Sec. 10. P. & S. L., 1945, c. 125, Art. VIII, § 806, amended. Section 806 of article VIII of chapter 125 of the private and special laws of 1945 is hereby amended by adding at the end thereof the following sentence:

'Provided, however, that no complaint shall be considered by the board unless the complainant has complied with the provisions of section 35 of chapter 81 of the revised statutes of 1944.'

Sec. 11. P. & S. L., 1945, c. 125, Art. X, § 1003, amended. Section 1003 of article X of chapter 125 of the private and special laws of 1945 is hereby amended to read as follows:

'1003. Planning commission; powers and duties. The planning commission and the city council shall have such powers and perform such duties as are provided by sections 84 to 89, inclusive, of chapter 80 of the revised statutes of 1944 and any acts amendatory thereto ~~except that no extraordinary majority vote of the city council shall be required in exercising any of its planning functions under such law.~~

Sec. 12. P. & S. L., 1945, c. 125, Art. XII, § 1203, amended. Section 1203 of article XII of chapter 125 of the private and special laws of 1945 is hereby amended to read as follows:

'1203. Form of petitions. The petitions used to invoke the initiative or the referendum shall be substantially in the following form:

PETITION TO THE ROCKLAND CITY COUNCIL

For the Submission to the People of the Question

Shall the proposed ordinance, a copy of which is hereto attached, be adopted?

We, the undersigned, ~~under oath, depose and say that we are duly qualified~~ voters of the city of Rockland, residing respectively at the addresses placed opposite our names, ~~and we~~ hereby petition the city council to submit the foregoing question to the voters of the city of Rockland.

NAMES RESIDENCES DATE

.....
.....
.....

NAME Street and Number

being duly sworn deposes and says that he is the circulator of the foregoing petition containing signatures and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

Signed:

Subscribed and sworn to before me, this day of 19...

.....

Justice of the Peace

Notary Public'

Sec. 13. P. & S. L., 1945, c. 125, Art. XII, § 1209, repealed and replaced. Section 1209 of article XII of chapter 125 of the private and special laws of 1945 is hereby repealed and the following enacted in place thereof:

'1209. Publication. Whenever any ordinance is required by the provisions of this article to be submitted to the voters of the city at any election, the city clerk shall cause a summary thereof to be published in a newspaper published or having a general circulation in the city of Rockland, such publication to be made not less than 10 days nor more than 15 days prior to the election, and shall have available for distribution to every voter who may so request a copy of the full text of such ordinance.'