

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1373

H. P. 1988

House of Representatives, March 17, 1949.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. McEnery of Saco.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Amending the Charter of the City of Saco.

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

Sec. 1. P. & S. L., 1867, c. 215, § 3, repealed and replaced. Section 3 of chapter 215 of the private and special laws of 1867, as amended, is hereby repealed and the following enacted in place thereof:

‘Sec. 3. Mayor, powers and duties, compensation; aldermen, compensation. The mayor of said city shall be the chief executive magistrate thereof. It shall be his duty to be vigilant and active in causing the laws and regulations of the city to be executed and enforced, to exercise a general supervision over the conduct of all subordinate officers and to cause violations or neglect of duty to be punished. He may suspend such subordinate officers for misconduct in office, provided that within 3 days after such suspension, he shall convene the city council and present at such meeting written charges of such misconduct. At such meeting the council shall have power to suspend or remove such subordinate officer. He may call special meetings of the city council when, in his opinion, the interests of the city require it, by a notice printed in a newspaper in the city if there be one, and if no such newspaper, then in a newspaper in an adjoining town, or by causing a summons or notification to be given in hand to, or left at the

usual dwelling place of, each member of the board. He shall, from time to time, communicate to the city council such information, and recommend such measures as the business and interests of the city may in his opinion require. He shall preside in the city council, but shall have only a casting vote. He shall be ex officio chairman of the superintending school committee.

The salary and compensation of the mayor shall be \$2,000 per year, which shall not be increased or diminished during his continuance in office, unless by vote of the qualified electors in ward meetings called for that purpose, nor shall he receive from the city any other compensation for any service by him rendered in any other capacity or agency.

The aldermen, with the exception of the members of the committee on accounts, shall receive no compensation for their services as such. The aldermen who shall be members of the committee on accounts shall receive such compensation as the council may determine. No alderman shall directly or indirectly enter into any contract with the city.'

Sec. 2. P. & S. L., 1867, c. 215, § 4, amended. Section 4 of chapter 215 of the private and special laws of 1867, as amended, is hereby further amended by adding at the end thereof a new sentence to read as follows: 'The municipal, financial and fiscal years shall commence upon the 1st day of March and terminate on the last day of February following.'

Sec. 3. P. & S. L., 1867, c. 215, § 12, amended. Section 12 of chapter 215 of the private and special laws of 1867, as amended, is hereby further amended by adding at the end thereof a new sentence to read as follows: 'The city marshal shall bear the title of chief of police and the deputy marshal shall bear the title of captain.'

Sec. 4. P. & S. L., 1867, c. 215, § 12-A, additional. Chapter 215 of the private and special laws of 1867, as amended, is hereby further amended by adding thereto a new section, to be numbered 12-A, to read as follows:

'Sec. 12-A. Fees of police officers in civil and criminal cases; disposition of. The fees of the chief of police, captain of police and all other police officers of the city of Saco in criminal cases prosecuted in the municipal court of the city of Saco, including their fees as witnesses, shall be taxed and allowed as in behalf of the sheriffs of York county and shall be paid over annually by the treasurer of said county to the city of Saco. Police officers may retain for their own use all fees received by them in civil cases. Neither the chief of police, captain of police nor any other police officer of said city shall receive from any respondent in any criminal case

any money, fine or costs; but in all such cases fines and costs shall be paid to the magistrate issuing the precept against such respondent; but fees taxed and allowed to the officers for attendance as witnesses in any criminal case before the appellate court or before any court held in some other town than the one in which such officers reside shall be paid to them from the county treasury. The expenses of any such officers necessarily and reasonably incurred and actually disbursed in the service of any criminal precept shall be allowed and paid to him by the treasurer of said county upon his filing an itemized account thereof, under oath, accompanied by proper vouchers thereof.'

Sec. 5. P. & S. L., 1867, c. 215, § 15, repealed and replaced. Section 15 of chapter 215 of the private and special laws of 1867, as amended, is hereby repealed and the following enacted in place thereof:

'Sec. 15. Annual elections; certificates of election; vacancies; oaths. On the 1st Monday in March, annually, the qualified electors of each ward shall ballot for a mayor, alderman, warden and ward clerk. All the votes given for the several officers, respectively, shall be sorted, counted, declared and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written on the record at length. The ward clerk, within 24 hours after such election, shall deliver to the city clerk a certified copy of the record of such election. Provided, however, that if the choice of any such officer cannot be conveniently effected on that day, the meeting may be adjourned from day to day to complete such election. The person receiving the highest number of votes of that particular ward for alderman, warden and ward clerk shall be declared elected; if no one shall then have such highest number, the balloting shall be continued from day to day until a choice is thus effected. In balloting for mayor, the person receiving the highest number of votes given in all the wards shall be declared elected. 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 to be notified in writing of his election; but if it shall appear that no person shall have been elected, or if the person elected shall refuse to accept the office, further elections shall in the same manner be ordered until a choice shall be made of someone having the highest number of votes. In the 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 and in the meantime the president of the board of aldermen shall perform the duties of the mayor. The oath prescribed by this charter shall be ad-

ministered to the mayor by the city clerk or any justice of the peace or notary public in said city. The aldermen elect shall, on the 3rd Monday in March, at 10 o'clock in the forenoon, meet in convention, when the oath required by section 2 of this charter shall be administered to the aldermen elect by the mayor, city clerk or any justice of the peace or notary public of the city.'

Sec. 6. Referendum; effective date. This act shall take effect 90 days after the adjournment of the legislature, only for the purpose of permitting its submission, together with an act to grant a council-manager form of government to the city of Saco, for approval or rejection to the voters of the city of Saco qualified to vote in municipal elections, at an election to be held on the 1st Monday in October, 1949, and 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 said 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 Saco in substantially the following form:

"Form of Ballot"

Place a cross (X) or check mark (✓) in the square after the plan of charter which you select. Mark only 1 plan or your ballot will not be counted.

- Plan 1. Present charter as amended
 by Act passed by 94th legislature
- Plan 2. Council-Manager charter

Otherwise said ballot shall be in form provided by law when a constitutional amendment is submitted to the vote of the people. The provisions of law relating to the preparation of voting lists for municipal elections shall apply to such election and said election shall in all other respects be conducted as municipal elections in said city are now conducted by law, and the results thereof shall be determined in the manner now provided by law for the determination of the election of mayor. Due certificate of the result of such election shall be filed by the city clerk with the secretary of state.

If the number of ballots favoring plan 1, so called, on said ballot shall constitute more than 50% of the total number of valid ballots cast at said election, then this act shall take effect for all the purposes hereof and the mayor shall forthwith make proclamation of the fact.