

MAINE STATE LEGISLATURE

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

Legislative Document

No. 637

H. P. 1057

House of Representatives, February 13, 1951

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

HARVEY R. PEASE, Clerk

Presented by Mr. Jamieson of Presque Isle.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT to Amend the Charter of the City of Presque Isle.

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

P. & S. L., 1939, c. 29, Art. II, § 9, repealed and Art. II-A, additional, Section 9 of article II of chapter 29 of the private and special laws of 1939 is hereby repealed and the following new article of said chapter, to be numbered II-A, is enacted in place thereof:

'ARTICLE II-A

Sec. 1 Power of city council. No legislative ordinance, order or resolve passed by the city council shall take effect until 10 days after its passage except that the city council may, by a two-thirds yea and nay vote of its members, pass emergency resolves to take effect at the time indicated therein, but such emergency resolve shall contain a section in which the emergency is set forth and defined.

Sec. 2. How invoked. The submission to the vote of the people of any proposed legislative ordinance, order or resolve, or of any legislative ordinance, order or resolve enacted by the city council and which has not yet gone into effect, may be accomplished by the presentation of a petition

therefor to the city council in the manner hereinafter provided. Any 25 registered voters of the city of Presque Isle may originate a petition putting in operation the initiative or the referendum, by signing such petition at the office of the city clerk. Whenever requested by 25 such voters, the city clerk shall prepare the proper petition with a copy of the ordinance, order or resolve to be submitted attached thereto and upon its being signed by said 25 voters, the city clerk shall file the petition and shall, during office hours for 15 business days thereafter, keep the same open for signature by registered voters of the city, and no such petition shall be signed or presented for signature at any place other than the clerk's office. At the expiration of said 15 days, the city clerk shall declare the petition closed and shall, at the first regular meeting of the city council thereafter, present to that body the petition with verification of that number of valid signatures thereto attached. If the number of valid signatures to said petition shall amount to 125 or more, the city council shall immediately take the necessary steps to submit to the voters of the city the question proposed in said petition; provided that in the case of the referendum the entire repeal of the ordinance, order or resolve sought to be referred, and in the case of the initiative, the passage by the city council of the desired ordinance, order or resolve, shall put an end to all proceedings under said petition.

Sec. 3. Effect of referendum petition. Whenever there has been originated as aforesaid a petition for the reference to the people of any such ordinance, resolve or order passed by the city council, and the required number of valid signatures has been obtained thereon for its presentation to the city council, the same shall be suspended from going into operation until it has been submitted to a vote of the people and has received the affirmative vote of a majority of the voters voting on said question.

Sec. 4. Form of petition. The petition used to originate the initiative or the referendum shall be substantially in the following form:

Petition to the Presque Isle City Council

For the submission to the People of the Question

Shall the ordinance, order or resolve, a copy of which is hereunto attached, be adopted?

We, the undersigned, under oath, depose and say that we are duly qualified voters of the city of Presque Isle, 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 Presque Isle.

Names	Residences	Date
.....
.....
.....

I,, the city clerk of the city of Presque Isle, do solemnly affirm that I witnessed the signing of each of the above signatures and that, at the time of said signing, I made certain that the person affixing his name thereto had reasonable knowledge of the purpose of the petition.

.....
 City Clerk

Date

Sec. 5. Time of election. Within 10 days after an initiative or referendum petition with the required number of valid signatures is presented by the city clerk, the city council shall set a time for the holding of a special election at which the proposed or suspended ordinance, resolve or order shall be submitted to the voters of the city, which special election shall be held not less than 30 nor more than 60 days after such presentation, or the city council in its discretion may submit the matter at the next regular municipal election.

Sec. 6. Publication. Whenever any ordinance, order, or resolve is required by the provisions of this article to be submitted to the voters of the city at any election, the city council must order 1 publication of the complete text thereof to be made in a newspaper published in the city of Presque Isle, such publication to be made not less than 7 days, nor more than 15 days prior to the election.

Sec. 7. Form of ballot. The ballots used when voting on such proposed ordinances, orders or resolves, shall set forth the title thereof in full and state its general nature, and shall contain the words, "for the ordinance, order or resolve" and "against the ordinance, order or resolve."

Sec. 8. Result of election. If a majority of the qualified voters voting on said proposed initiative ordinance, order or resolve or said referred ordinance, order or resolve, shall vote in favor thereof, such ordinance, order or resolve shall take effect 5 days after the declaration of the official canvass of the return of said election.

Sec. 9. Conflicting ordinances, orders or resolves. Any number of proposed or referred ordinances, orders or resolves may be voted upon at the same election. In the event that 2 or more ordinances, orders or resolves

adopted at the same election shall contain conflicting provisions, the ordinance, order or resolve receiving the highest number of votes at such election shall be paramount, and all question of construction shall be determined accordingly.

Sec. 10. Order on the ballot. In the event that 2 or more ordinances, orders or resolves are submitted at the same election, they shall be placed upon the ballot in order of the priority of the filing of the respective petitions and shall be given precedence upon the ballot over any and all questions submitted by the city council on its own initiative.

Sec. 11 Further regulations. The city council shall, by ordinance, make such further regulations as shall be necessary to carry out the provisions of this article.

Sec. 12. Ordinances, orders or resolves submitted to popular vote. The city council may submit on its own initiative a proposition for the enactment, repeal or amendment of any ordinance, order or resolve, except as herein otherwise provided, to be voted upon at any special or regular municipal election, and should such proposition receive a majority of the votes cast thereon at such election, such ordinance, order or resolve shall be enacted, repealed or amended accordingly. A special election, the warrant for which shall upon vote of the city council be issued by a member of the city council by vote designated for that duty, may be called at any time for any reason deemed advisable by the city council, except as herein otherwise provided.'