

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. 706

H. P. 1119

House of Representatives, February 14, 1951.

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

HARVEY R. PEASE, Clerk

Presented by Mr. Fenn of Bath.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT to Amend the Charter of the City of Bath.

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

Sec. 1. P. & S. L., 1947, c. 82, c. II, § 205, amended. Section 205 of chapter II of chapter 82 of the private and special laws of 1947, as amended by section 2 of chapter 3 of the private and special laws of 1949, is hereby further amended to read as follows:

'Sec. 205. Ward revision. The said city shall continue to be divided into 7 wards with the now existing boundaries; except that it shall be the duty of the city council each 10th year, commencing with the year 1950, ~~inclusive~~ to review, and if needful to alter, the ward lines in such manner as to preserve as nearly as may be convenient, consistent with well-defined boundaries, an equal number of voters in each ward.'

Sec. 2. P. & S. L., 1947, c. 82, c. II, § 218, amended. Section 218 of chapter II of chapter 82 of the private and special laws of 1947 is hereby amended to read as follows:

'Sec. 218. Quorum. A majority of the 14 members of the city council shall constitute a quorum for the transaction of business, but a smaller num-

ber may adjourn from time to time or may compel attendance of absent members. At least 24 hours' notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.'

Sec. 3. P. & S. L., 1947, c. 82, c. II, § 223, amended. Section 223 of chapter II of chapter 82 of the private and special laws of 1947, as amended by section 7 of chapter 3 of the private and special laws of 1949, is hereby further amended to read as follows:

'Sec. 223. City clerk. The council shall elect an officer of the city to serve ~~at its pleasure an indefinite term~~, who shall have the title of city clerk, shall give notice of its meetings, shall attend all meetings of the city council and keep the journal of its proceedings, shall authenticate by his signature and record in full in a book kept for the purpose all ordinances and resolutions duly indexed and open to public inspection and shall perform such other duties as shall be required by this charter or by ordinance. He shall issue to every person appointed to any office by the city council or by the city manager, a certificate of such appointment. He shall perform all duties and exercise all powers incumbent upon or vested in town and city clerks generally, and by statute, and shall be the custodian of the seal of the city. In case of the temporary absence of the city clerk, the city council may appoint a clerk pro tempore, with all the powers, duties and obligations of the city clerk, who shall be duly qualified.

All clerical help in the office of the city clerk shall be appointed by and work under the direction and supervision of the city clerk.'

Sec. 4. P. & S. L., 1947, c. 82, c. II, § 223-A, additional. Chapter II of chapter 82 of the private and special laws of 1947 is hereby amended by adding thereto a new section to be numbered 223-A, to read as follows:

'Sec. 223-A. Removal of city clerk. The city council may remove the city clerk by a majority vote of its 14 members. At least 30 days before such removal shall become effective, the council shall, by a majority vote of its 14 members, adopt a preliminary resolution stating the cause for removal. The city clerk may reply in writing and may request a public hearing, which shall be held not earlier than 10 days nor later than 20 days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the council, by majority vote of its 14 members, may adopt a final resolution of removal.'

Sec. 5. P. & S. L., 1947, c. 82, c. II, § 231, amended. Section 231 of chapter II of chapter 82 of the private and special laws of 1947 is hereby amended to read as follows:

Sec. 231. Removal of city manager. The council shall appoint the city manager for an indefinite term and may remove him by a majority vote of its 14 members. At least 30 days before such removal shall become effective, the council shall by a majority vote of its 14 members adopt a preliminary resolution stating the ~~reasons~~ cause for his removal. The manager may reply in writing and may request a public hearing, which shall be held not earlier than 20 days nor later than 30 days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the council by majority vote of its 14 members may adopt a final resolution of removal. By the preliminary resolution the council may suspend the manager from duty, but the regular salary of the manager shall continue to be paid to him during such period of suspension. If removal is voted, the city council shall cause to be paid to him forthwith any unpaid balance of his salary ~~and his salary for the next 2 calendar months.~~

Sec. 6. P. & S. L., 1947, c. 82, c. III, § 303, amended. Section 303 of chapter III of chapter 82 of the private and special laws of 1947 is hereby amended to read as follows:

Sec. 303. Substitute. During any vacancy in the office of city manager and during the temporary absence or disability of the city manager, the city council may by resolution appoint an officer of the city to perform the duties of the city manager ~~until he shall return or his disability shall cease and fix his compensation; while so acting he shall have the same powers and duties as those given to and imposed on the city manager.~~

Sec. 7. P. & S. L., 1947, c. 82, c. V, § 501, amended. Section 501 of chapter V of chapter 82 of the private and special laws of 1947, as amended by section 16 of chapter 3 of the private and special laws of 1949, is hereby further amended to read as follows:

Sec. 501. Board of tax assessors. There shall be 3 assessors of taxes, 1 to be elected each year on the 1st Monday in March by a majority vote of the 14 members of the city council, for a term of 3 years and until his successor is elected and qualified. If for any reason a vacancy shall exist in the membership of the board of assessors, the vacancy shall be filled forthwith by a majority vote of the 14 members of the city council for the unexpired term.

The assessors appointed as above provided shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the state may exercise, and may now or hereafter be subject to under the laws of the state. The assessors may appoint 1

assistant assessor in each ward ~~and one additional assistant assessor in each ward~~, if the city council shall so direct, whose duty it shall be to furnish the assessors with all the necessary information relative to persons and property taxable. The compensation of such assistant assessors shall be fixed by the city council, but such assistant assessors shall hold office during the pleasure of the assessors.

All clerical help in the office of the board of tax assessors shall be appointed by and work under the direction and supervision of said board of tax assessors.'

Sec. 8. P. & S. L., 1947, c. 82, c. V, § 502, amended. The 1st paragraph of section 502 of chapter V of chapter 82 of the private and special laws of 1947, as enacted by section 17 of chapter 3 of the private and special laws of 1949, is hereby amended to read as follows:

'The council shall elect by a majority vote of its 14 members an officer of the city to serve ~~at its pleasure an indefinite term~~, who shall have the title of city treasurer and tax collector.'

Sec. 9. P. & S. L., 1947, c. 82, c. V, § 502-A, additional. Chapter V of chapter 82 of the private and special laws of 1947 is hereby amended by adding thereto a new section to be numbered 502-A, to read as follows:

'Sec. 502-A. Removal of city treasurer and tax collector. The city council may remove the city treasurer and tax collector by a majority vote of its 14 members. At least 30 days before such removal shall become effective, the council shall by a majority vote of its 14 members, adopt a preliminary resolution stating the cause for removal. The city treasurer and tax collector may reply in writing and may request a public hearing, which shall be held not earlier than 10 days nor later than 20 days, after the filing of such request. After such public hearing, if one be requested, and after full consideration, the council, by majority vote of its 14 members, may adopt a final resolution of removal.'

Sec. 10. P. & S. L., 1947, c. 82, c. V, § 502-B, additional. Chapter V of chapter 82 of the private and special laws of 1947 is hereby amended by adding thereto a new section to be numbered 502-B, to read as follows:

'Sec. 502-B. City treasurer vacancy. In the event of a vacancy in the office of city treasurer and tax collector, the chairman of the city council may appoint an acting city treasurer for the purpose of performing the duties only of city treasurer with the confirmation of the city council, who shall qualify by giving a city treasurer's bond as provided by law, ap-

proved by the city council, who shall serve until such time as the office of city treasurer and tax collector has been filled by the city council as provided by section 502.'

Sec. 11. P. & S. L., 1947, c. 82, c. V, § 514, amended. Section 514 of chapter V of chapter 82 of the private and special laws of 1947 is hereby amended to read as follows:

'Sec. 514. Appropriation limitation. Other than by the one regular annual budget appropriation ordinance, the city council shall make no appropriations except "emergency appropriation" as defined and provided under section 515.

Provided, however, that any funds, received directly from the federal government, shall be deemed to be appropriated for the purpose for which granted and shall not be included in the 3% limitation of section 515.'

Sec. 12. P. & S. L., 1947, c. 82, c. V, § 515, amended. Section 515 of chapter V of chapter 82 of the private and special laws of 1947, as amended by section 19 of chapter 3 of the private and special laws of 1949, is hereby further amended to read as follows:

'Sec. 515. Emergency appropriations. 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 to protect the public health, public safety or public welfare. Such appropriation shall be by resolution adopted by the favorable votes of at least ~~2/3~~ ^{ten} of ~~all elected~~ the members of the council, and shall be made only upon the recommendation of the city manager. The total amount of all emergency appropriations made in any budget year shall not exceed 3% of the total operating appropriations made in the budget for that year, except upon recommendation of the city manager and approved by ~~unanimous vote of all the elected~~ all 14 members of the council, **except that in case of 1 member not being present or 1 vacancy in the membership of city council, the approval of 13 members will be required, and in the case of 2 members not being present or 2 vacancies, the approval of 12 members will be required, and in no case shall the approval be by less than 12 members of the city council.'**

Sec. 13. P. & S. L., 1947, c. 82, c. VI, § 609, amended. Section 609 of chapter VI of chapter 82 of the private and special laws of 1947 is hereby amended to read as follows:

'Sec. 609. Date of final adoption; failure to adopt. The budget, for the ensuing fiscal year, shall be finally adopted not later than the 27th day of

~~the last month~~ March of the current fiscal year. Should the council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the council.'

Sec. 14. P. & S. L., 1947, c. 82, c. VII, § 713-A, additional. Chapter VII of chapter 82 of the private and special laws of 1947 is hereby amended by adding thereto a new section to be numbered 713-A, to read as follows:

'Sec. 713-A. Execution of bonds. All bonds issued pursuant to this charter shall bear the city seal, be signed by the city treasurer and be countersigned by the chairman of city council and by the city manager.'

Sec. 15. P. & S. L., 1947, c. 82, c. VII, § 715, amended. Section 715 of chapter VII of chapter 82 of the private and special laws of 1947, as repealed and replaced by section 36 of chapter 3 of the private and special laws of 1949, is hereby amended to read as follows:

'Sec. 715. All bonds paid in annual installments. All bonds issued after the adoption of this act shall be made payable in substantially equal annual serial installments and in denominations of five hundred dollars (\$500) or one thousand dollars (\$1,000) ~~dollars~~, except Bond No. 1, which may be of any denomination.'

Sec. 16. P. & S. L., 1947, c. 82, c. VII, § 722, repealed and replaced. Section 722 of chapter VII of chapter 82 of the private and special laws of 1947, as repealed and replaced by section 43 of chapter 3 of the private and special laws of 1949, is hereby repealed and the following enacted in place thereof:

'Sec. 722. Public sale. All bonds issued under this charter shall, except as hereinafter provided, be sold upon sealed proposals. Notice of such sale shall be made by at least 1 publication in a newspaper, customarily carrying financial news, published in Boston, Massachusetts, and by at least 1 publication in a newspaper having a general circulation in the city of Bath. Such newspaper publications shall be made at least 10 days prior to the date of sale. Such notice shall set forth where sealed bids for the bonds will be received and opened, specify the amount and kind thereof to be sold and reserve the right to reject any or all bids. The bid of the responsible party or parties which provides the lowest net interest cost plus the highest premium for the city for the aggregate amount of the bonds offered shall be accepted, but if in the opinion of the treasurer, no bid is satisfactory, all bids may be rejected. Nothing in this section shall prevent negotiation for the sale and sale of such bonds for an adequate price after failure to obtain a satisfactory bid on sealed proposals, or if no bids are received after

public notice, provided that such price produces a lower net cost to the city than that offered by bid, if a bid has been received.'

Sec. 17. P. & S. L., 1947, c. 82, c. VIII, § 808, amended. Section 808 of chapter VIII of chapter 82 of the private and special laws of 1947 is hereby amended to read as follows:

'Sec. 808. **Determination of position of names upon ballot.** The position upon the ballot of the names of the candidates nominated, as hereinbefore provided, shall be determined by lot and said names shall be so placed upon said ballot under the title of the office to be filled. Said determination of said position by lots shall be conducted by the city clerk at which said candidate or their representatives shall be entitled to be present. Candidates shall be notified of the time and place of such drawing at least 24 hours in advance thereof. The ballot shall be without party mark or designation. The name and residence of each candidate shall be given. At the right of each name shall be a square within which the voter shall place a cross (X) or check mark (✓) to designate his choice. A blank space shall be left at the end of the list of candidates for each office in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote. The ballot shall be printed substantially as follows:

(Back of the Ballot)

"OFFICIAL BALLOT

BATH

WARD

Monday A. D.

(Facsimile of Signature)

City Clerk.

(Face of the Ballot)

To vote for a candidate mark a cross (X) or check mark (✓) in the square at the right of the candidate's name and residence.

If you wrongly mark, tear or deface the ballot, return it and obtain another.

FOR MEMBERS OF CITY COUNCIL

Vote for

Name of Candidate	Residence	

FOR BOARD OF EDUCATION

Vote for

Name of Candidate	Residence	

FOR WARDEN

Vote for One

Name of Candidate	Residence	

FOR WARD CLERK

Vote for One

Name of Candidate	Residence	

FOR WARD CONSTABLE

Vote for One

Name of Candidate	Residence	

Mark a cross (X) or check mark (✓) in the square at the right of your answer.””