

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. 805

H. P. 1235

House of Representatives, February 20, 1951.

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

HARVEY R. PEASE, Clerk

Presented by Mr. Cote of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT Relating to Appointment of Boards in the City of Lewiston.

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

Sec. 1. P. & S. L., 1939, c. 8, Art. VIII, § 1, amended. Section 1 of Article VIII of chapter 8 of the private and special laws of 1939 is hereby amended to read as follows:

'Sec. 1. Members of board of finance. The board of finance shall consist of 5 members to be appointed by the mayor, **with the approval of at least 5 members of the board of aldermen**, for a term of 5 years or until their successors have been appointed and qualified; save that at the time of appointing the 1st board under this charter, the mayor shall designate the member whose term shall expire at the expiration of each period of 1 year for 5 years thereafter.'

Sec. 2. P. & S. L., 1939, c. 8, Art. VIII, § 2, amended. Section 2 of Article VIII of chapter 8 of the private and special laws of 1939 is hereby amended to read as follows:

'Sec. 2. Vacancies. Any vacancy occurring in the board shall be filled by appointment by the mayor, **with the approval of at least 5 members of the board of aldermen**, for the unexpired term; provided that if no appoint-

ment be made for the period of 1 month after the vacancy shall occur, it shall be filled by the remaining members of the board.'

Sec. 3. P. & S. L., 1939, c. 8, Art. X, § 1, amended. Section 1 of Article X of chapter 8 of the private and special laws of 1939 is hereby amended to read as follows :

'**Sec. 1. Appointmet of members.** The affairs of the department of public works shall be administered by a board of 5 members to be appointed by the mayor, **with the approval of at least 5 members of the board of aldermen**, for a term of 5 years or until their successors have been appointed and qualified; save that at the time of appointing the 1st board under this charter, the mayor shall designate the member whose term shall expire at the expiration of each period of 1 year for 5 years thereafter. Vacancies occurring in the board shall be filled by appointment by the mayor, **with the approval of at least 5 members of the board of aldermen**, for the unexpired term; provided that if no appointment be made for the period of 1 month after the vacancy shall occur, it shall be filled by the remaining members of the board.'

Sec. 4. P. & S. L., 1939, c. 8, Art. XI, § 1, amended. Section 1 of Article XI of chapter 8 of the private and special laws of 1939, as amended by section 1 of chapter 95 and by section 1 of chapter 177, both of the private and special laws of 1947, is hereby further amended to read as follows :

'**Sec. 1. Police department; how constituted.** The police department shall consist of a police commission of 5 members, hereinafter in this article referred to as the commission, to be appointed by the mayor, **with the approval of at least 5 members of the board of aldermen**, a chief of police, 2 captains of police, 1 captain of detectives, 2 lieutenants of police, 1 police matron, 1 police clerk and such number of patrolmen, not to exceed 1 for each 900 of the population of the city, as the commission shall deem necessary, the entire personnel of which as existing when this charter takes effect shall continue subject to the provisions hereinafter contained.

The present 3 members of the commission shall serve after the expiration of their respective terms until the first inaugural of the mayor following the expiration of such terms.

At the time of appointing the 2 new members of the commission, the mayor shall designate the member whose term shall expire at the expiration of each period of 1 year for 5 years thereafter.

The commission may appoint such number of patrolmen as they shall deem necessary to act as detectives. The commission may employ such other employees of the department as it shall deem necessary, prescribe

their duties, set their compensation subject to the approval of the board of finance, and terminate their employment at pleasure.'

Sec. 5. P. & S. L., 1939, c. 8, Art. XI, § 2, amended. Section 2 of Article XI of chapter 8 of the private and special laws of 1939, as amended by section 2 of chapter 177 of the private and special laws of 1947, is hereby further amended to read as follows :

'**Sec. 2. Appointment of members.** The commission as constituted when this charter takes effect shall be and continue as the commission herein established, the members thereof to serve in accordance with their respective appointments without interruption and as the terms of the members shall expire, the mayor, **with the approval of at least 5 members of the board of aldermen**, shall appoint their successors for the term of 5 years. In the event of a vacancy in the commission, the mayor, **with the approval of at least 5 members of the board of aldermen**, shall in like manner appoint a successor for the unexpired term. The members of the commission shall be appointed from the 2 political parties casting the highest number of votes for governor in the past preceding state election.'

Sec. 6. P. & S. L., 1939, c. 8, Art. XII, § 2, amended. Section 2 of Article XII of chapter 8 of the private and special laws of 1939, as amended by chapter 176 of the private and special laws of 1947, is hereby further amended to read as follows :

'**Sec. 2. Fire department, how constituted.** The affairs of the fire department shall be administered by a fire commission of 5 members to be appointed by the mayor, **with the approval of at least 5 members of the board of aldermen**, for a term of 5 years or until their successors have been appointed and qualified; save that at the time of appointing the first commission under this charter, the mayor shall designate the member whose term shall expire at the expiration of each period of 1 year for 5 years thereafter. Vacancies occurring in the commission shall be filled by appointment by the mayor, **with the approval of at least 5 members of the board of aldermen**, for the unexpired term; provided that if no appointment be made for the period of 1 month after the vacancy shall occur, it shall be filled by the remaining members of the commission.'

Sec. 7. P. & S. L., 1939, c. 8, Art. XIII, § 2, amended. Section 2 of Article XIII of chapter 8 of the private and special laws of 1939 is hereby amended to read as follows :

'**Sec. 2. Appointment of members.** The board of education existing when this charter takes effect shall be and continue as the board of educa-

tion herein established, the members thereof to serve in accordance with their respective appointments without interruption and the mayor, **with the approval of at least 5 members of the board of aldermen**, shall annually appoint a member for the term of 5 years, to take office on the 1st day of May next succeeding. Vacancies occurring in the board shall be filled by appointment by the mayor, **with the approval of at least 5 members of the board of aldermen**, for the unexpired term; provided that if no appointment be made for the period of 1 month after the vacancy shall occur, it shall be filled by the remaining members of the board.'

Sec. 8. P. & S. L., 1939, c. 8, Art. XIV, § 1, amended. Section 1 of Article XIV of chapter 8 of the private and special laws of 1939 is hereby amended to read as follows:

'**Sec. 1. Administration of affairs.** The affairs of the department of health and welfare shall be administered by a board of 5 members to be appointed by the mayor, **with the approval of at least 5 members of the board of aldermen**, for a term of 5 years or until their successors have been appointed and qualified; save that at the time of appointing the first board under this charter, the mayor shall designate the member whose term shall expire at the expiration of each period of 1 year for 5 years thereafter. Vacancies occurring in the board shall be filled by appointment by the mayor, **with the approval of at least 5 members of the board of aldermen**, for the unexpired term; provided that if no appointment be made for the period of 1 month after the vacancy shall occur, it shall be filled by the remaining members of the board.'

Referendum; effective date. This act shall take effect 90 days after the adjournment of this legislature only for the purpose of permitting its acceptance or rejection by the legal voters of the city of Lewiston at the next regular city election. For the purposes of such election the city clerk shall reduce the subject matter of this act to the following question: "Shall 'An Act Relating to Appointment of Boards in the City of Lewiston,' passed by the 95th legislature, be accepted?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority vote of the legal voters voting at said election; provided the total number of votes cast for and against the acceptance of this act equals or exceeds 20% of the total vote for all candidates for governor cast in said city at the next preceding gubernatorial election. The result of said vote shall be declared by the municipal officers of the city of Lewiston and due certificate thereof filed by the city clerk with the secretary of state.