

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1220

H. P. 1045

House of Representatives, March 8, 1955.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Ross of Bath.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

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, § 201, amended. Section 201 of chapter II of chapter 82 of the private and special laws of 1947 is hereby amended to read as follows :

'**Sec. 201. City council; general powers.** The general policy regarding, and the administration of all fiscal, prudential and municipal affairs of said city with the government thereof, except as otherwise herein provided, shall be and are vested in one body of ~~17~~ 9 members which shall constitute and be called the city council, and shall exercise its powers in the manner herein provided.'

Sec. 2. P. & S. L., 1947, c. 82, c. II, § 210, repealed and replaced. Section 210 of chapter of chapter II of chapter 82 of the private and special laws of 1947 is hereby repealed and the following enacted in place thereof :

'**Sec. 210. Number, election, term.** The city council shall be elected at large by and from the qualified voters of the city for a term of 2 years from the 1st Monday of March next following the date of their election and until their successors are elected and qualified, except as hereinafter provided in this section. At the first election of members of the city council held after the adoption of this amendment, 9 members shall be elected. The 5 candidates having the largest number of votes shall serve for 2 years and the 4 candidates having the next largest number of votes shall serve for 1 year and until their successors are elected and qualified. Thereafter at each annual municipal election there shall be lected at large 4 or 5 members (as the case may be) of the city council to fill the

offices of the members of the city council whose terms of office expire that year. At the said first election of members of the city council after the adoption of this amendment, in the event that 2 or more candidates shall receive the same number of votes for members of the city council, the terms of office of said candidates shall be determined by lot by the city clerk after reasonable notice to said candidates by said city clerk of the time and place of said determination.'

Sec. 3. P. & S. L., 1947, c. 82, c. II, § 212, amended. Section 212 of chapter II of chapter 82 of the private and special laws of 1947 is hereby amended to read as follows:

'**Sec. 212. Compensation.** ~~No salary shall be paid to members~~ Each member of the city council shall receive the sum of \$250 per year in full compensation, the same to be paid quarterly. The city council by order shall fix the salaries and/or other compensation of the appointees of the city manager and of officials elected by the city council, including the salary of the city manager for his services as such and for all other services rendered by him, also of appointees of officials elected by the city council.'

Sec. 4. 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, as amended by section 2 of chapter 177 of the private and special laws of 1951, is hereby further amended to read as follows:

'**Sec. 218. Quorum.** A majority of the ~~11~~ 9 members of the city council shall constitute a quorum for the transaction of business, but a smaller number 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. 5. P. & S. L., 1947, c. 82, c. II, § 223-A, amended. Section 223-A of chapter II of chapter 82 of the private and special laws of 1947, as enacted by section 4 of chapter 177 of the private and special laws of 1951, is hereby amended 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 ~~11~~ 9 members. At least 30 days before such removal shall become effective, the council shall, by a majority vote of its ~~11~~ 9 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 ~~11~~ 9 members, may adopt a final resolution of removal.'

Sec. 6. 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, as amended by section 5 of chapter 177 of the private and special laws of 1951, is hereby further 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 ~~11~~ 9

members. At least 30 days before such removal shall become effective, the council shall by a majority vote of its ~~11~~ 9 members adopt a preliminary resolution stating the 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 ~~11~~ 9 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.'

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 last amended by section 7 of chapter 177 of the private and special laws of 1951, 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 ~~11~~ 9 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 ~~11~~ 9 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, 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 repealed and replaced by section 17 of chapter 3 of the private and special laws of 1949 and as amended by section 8 of chapter 177 of the private and special laws of 1951, is hereby further amended to read as follows:

'The council shall elect by a majority vote of its ~~11~~ 9 members an officer of the city to serve 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, amended. Section 502-A of chapter V of chapter 82 of the private and special laws of 1947, as enacted by section 9 of chapter 177 of the private and special laws of 1951, is hereby amended 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 ~~11~~ 9

members. At least 30 days before such removal shall become effective, the council shall by a majority vote of its ~~11~~ 9 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, not 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 ~~11~~ 9 members, may adopt a final resolution of removal.'

Sec. 10. P. & S. L., 1947, c. 82, c. VIII, § 801, amended. Section 801 of chapter VIII of chapter 82 of the private and special laws of 1947 is hereby amended to read as follows :

'Sec. 801. Councillors, school board, wardens, ward clerk, ward constable. On the 2nd Monday of February, A. D. ~~1948~~ 1956 the qualified voters of the city, in their respective wards, shall elect ~~11~~ 9 members of the city council pursuant to ~~the terms of subsection (a) of section 210 of this charter as herein amended;~~ 1 member of the board of education; and the qualified voters of each ward shall, at the same time, elect a warden, ward clerk and ward constable for their ward.

Thereafter, on the 2nd Monday in February annually, a regular municipal election shall be held and the qualified voters of the city ~~in their respective wards~~ shall elect ~~7~~ 4 or 5 members (as the case may be) of the city council pursuant to ~~the terms of subsection (b) of section 210 of this charter as herein amended;~~ 1 member of the board of education together with such members as are necessary to fill any vacancies which then may exist in said board; and the qualified voters of each ward shall at the same time elect a warden, ward clerk and ward constable for their ward.

All votes cast for the several offices shall be sorted, counted, declared and registered in open ward meeting as required by law. The ward clerk shall forthwith deliver to the city clerk a certified copy of the records of such election.

After the 1st election held ~~under this charter pursuant to the terms of said section 210 as herein amended,~~ the then municipal officers, and thereafter, following the regular city election, the city council shall, not longer than 24 hours after such election, examine the copies of the records of the several wards, certified as aforesaid, and shall determine the successful candidates according to the laws of the state of Maine and shall cause the persons who shall have been elected members of the city council, and the persons who shall have been elected members of the school board, wardens, ward clerks and ward constables, to be notified in writing of their election. If it shall appear that one or more of the offices to be filled by said election has not been filled, or if at any election the person shall refuse to accept the office for which he has been elected, warrants for another and special election to fill such vacancy or vacancies shall be issued forthwith.

At any election, the person or persons having the highest number of votes for an office, not exceeding the number to be chosen, shall be deemed and declared elected to such office.'

Sec. 11. P. & S. L., 1947, c. 82, c. VIII, § 803, amended. Section 803 of chapter VIII of chapter 82 of the private and special laws of 1947 is hereby amended to read as follows:

'Sec. 803. Nomination of candidates to be by petition. The nomination of all candidates for elective offices provided for by this charter shall be by petition. The petition of candidates for warden, ward clerk and ward constable shall be signed by not less than 15 nor more than 30 qualified voters of the ward in which said candidates are residents. The petition of each candidate for member of the city council shall be signed by not less than ~~25~~ 50 nor more than ~~50~~ 100 qualified voters of the ~~ward in which said candidate is a resident city.~~ No voter shall sign petitions for more than ~~1~~ **4 or 5 candidates (as the case may be)** for each office to be filled at the election and should he do so his signature shall be counted only upon the first ~~petition~~ **4 or 5 petitions (as the case may be)** filed, and shall be void upon all other petitions.'

Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the city of Bath at any regular or special city election held within 1 year from the effective date of this act, an appropriate article being inserted in the call for such election. In the event a special election is called for the purpose, it shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration in said city shall not be required to prepare for posting, nor the city clerk to post, a new list of voters, and for the purpose of registration of voters, said board shall be in session the 3 secular days next preceding such special meeting, the 1st and 2nd days thereof to be devoted to the registration of voters and the 3rd day to enable the board to verify the corrections of said list and to complete and close up their records of said sessions. The city clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: "Shall the act amending the charter of the city of Bath, in reference to the size, election and remuneration of the city council, passed by the 97th Legislature, be accepted?" and 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 purposes hereof immediately upon its acceptance by a majority vote of the legal voters voting at said election; provided that the total number of votes cast for and against the acceptance of this act equaled or exceeded 20% of the total vote for all candidates for governor in said city at the next previous gubernatorial election.

The result of such election shall be declared by the municipal officers of the city of Bath and due certificate thereof filed by the city clerk with the Secretary of State.