

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. 1266

H. P. 1071

House of Representatives, March 9, 1955

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

HARVEY R. PEASE, Clerk

Presented by Mr. Davis of Calais.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Amending the Charter of the City of Calais.

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

Sec. 1. P. & S. L., 1947, c. 172, Art. II, § 1, amended. Section 1 of article II of chapter 172 of the private and special laws of 1947, as amended by section 1 of chapter 138 of the private and special laws of 1949, is hereby further amended by adding at the end thereof a new paragraph, to read as follows:

“The city council shall have the power to submit to the electors of the city of Calais such ordinances, orders and resolves as they see fit for approval or rejection by a referendum vote of said electors, except that the regular annual budget or appropriation ordinance shall not be submitted to the said electors as hereinbefore provided. The city council shall designate the date of the referendum, which shall in any event be within 30 days after the enactment by the council of any ordinance, order or resolve which is subject to such referendum. The city clerk shall prepare the required ballots, on which he shall reduce the subject matter to the following question: “Shall the proposed (ordinance, order or resolve as applicable), a copy of which is hereto attached, be adopted?” and the electors shall indicate by a cross (X) or check mark () placed against the words “Yes” or “No” their opinion of the same.”

Sec. 2. P. & S. L., 1947, c. 172, Art. II, § 2, amended. Section 2 of article II of chapter 172 of the private and special laws of 1947, as amended by section 2 of chapter 138 of the private and special laws of 1949, is hereby further amended to read as follows:

‘**Sec. 2. Term of office.** The city council shall consist of 7 members, one of whom shall be a resident of ward 1 or ward 2, one of whom shall be a resident

of ward 7, and 5 of whom shall be elected at large. All 7 members shall be elected by and from the qualified voters of the city of Calais for a term of ~~4~~ 2 years from the 2nd Monday in April next following the date of their election and shall serve until their successors are elected and qualified; except that at the 1st election after the adoption of this **amendment to the** charter, the 3 candidates having the largest number of votes shall serve for ~~4~~ 2 years, and the 4 candidates having the next largest number of votes shall serve for ~~2 years~~ 1 year and until their successors are elected and qualified. Thereafter at each municipal election there shall be chosen 3 or 4 members (as the case may be) of the city council to fill the office of the members of the city council whose terms of office expire that year. At the 1st election of members of the city council, in the event 2 or more candidates receive the same number of votes, 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. 172, Art. II, § 5, amended. The 1st sentence of section 5 of article II of chapter 172 of the private and special laws of 1947 is hereby amended to read as follows:

'The city council shall meet at the usual place for holding meetings at 10 o'clock A. M. on the 2nd Monday in April ~~next following the regular city election~~, at which time the councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the city clerk.'

Sec. 4. P. & S. L., 1947, c. 172, Art. III, § 1, repealed and replaced. Section 1 of article III of chapter 172 of the private and special laws of 1947 is hereby repealed and the following enacted in place thereof:

'**Sec. 1. Number of members; terms of office.** The superintending school committee, hereinafter called the school committee, shall consist of 3 members who shall be elected by the qualified voters of the city in the following manner: At the first election following the adoption of this amendment to the charter, the voters shall elect one member for 1 year, one member for 2 years, and one member for 3 years, and each succeeding year there shall be elected one member of the school committee to serve for a term of 3 years. In addition to the 3 members hereinbefore provided, for the purpose of creating an effective liaison between the city council and the superintending school committee, the superintending school committee shall have one member of the city council serving ex officio. Said ex officio member shall be entitled to attend all meetings, but shall have no vote in any of the proceedings. The said ex officio member shall be selected by majority vote of the members of the city council at the annual organization meeting, to serve for a term of 1 year.'

Sec. 5. P. & S. L., 1947, c. 172, Art. III, § 3, amended. Section 3 of article III of chapter 172 of the private and special laws of 1947 is hereby amended to read as follows:

'**Sec. 3. Time of organization.** The school committee shall meet and organize at 8 o'clock P.M. on the 2nd Monday in April, ~~next following the regular city election~~. The members shall be sworn by a justice of the peace or by the city clerk to the faithful discharge of their duties. A majority of the whole number elected and serving shall be a quorum for the transaction of business.'

Sec. 6. P. & S. L., 1947, c. 172, Art. IV, § , amended. The 1st sentence of section 1 of article IV of chapter 172 of the private and special laws of 1947 is hereby amended to read as follows :

'On the 1st Monday in April after the adoption of this **amendment to the charter** the qualified voters of the city shall elect 7 members of the city council, and the qualified voters of each ward shall, at the same time, elect a warden and a ward clerk for their ward; and thereafter on the 1st Monday in April every ~~other~~ year, a regular municipal election shall be held and the qualified voters of the city shall elect such members of the city council as are necessary to fill the offices of those whose terms of office expire that year, and also to fill any vacancies in the above offices which then may exist, and the qualified voters of each ward shall, at the same time, elect a warden and a ward clerk.'

Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after the adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the city of Calais at a special election to be called for that purpose on or before December 31, 1955. Such special election shall be called, advertised and conducted according to the law relating to municipal elections and the provisions of law relating to the preparation of voting lists for municipal elections shall also apply to such special election.

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 Calais, 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 the purpose of nominating and electing officers hereunder immediately upon its acceptance by a majority of the legal voters 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, and for all other purposes this act shall take effect at 10 A.M. on the 2nd Monday in April, 1956.

The result of the vote shall be determined by the municipal officers of the city of Calais and due certificate thereof filed by the city clerk with the Secretary of State.