

MAINE STATE LEGISLATURE

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NINETY-SEVENTH LEGISLATURE

Legislative Document

No. 1267

H. P. 1072

House of Representatives, March 9, 1955.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Jacques of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

**AN ACT Relating to Appointment of Corporation Counsel and All Board
Members in 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. VII, § 1, amended. Section 1 of article VII of chapter 8 of the private and special laws of 1939 is hereby amended to read as follows:

'Sec. 1. Appointment of corporation counsel. The corporation counsel shall be appointed by the mayor, **with the approval of the board of aldermen**, and shall hold office for 1 year or until his successor shall have been appointed and qualified. In the event of a vacancy in the office, the mayor, **with the approval of the board of aldermen**, shall appoint a successor for the unexpired term.'

Sec. 2. 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 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 one year for 5 years thereafter.~~

Sec. 3. 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 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. 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. Appointment 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 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 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. 5. P. & S. L., 1939, c. 8, Art. XI, § 1, amended. The 1st 2 sentences of section 1 of article XI of chapter 8 of the private and special laws of 1939, as last amended by chapter 178 of the private and special laws of 1953, are hereby further amended to read as follows:

'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 the board of aldermen**. The commission shall appoint a chief of police, and it may appoint 3 captains of police, 1 captain of detectives, 3 lieutenants of police, 4 sergeants 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.~~

Sec. 6. P. & S. L., 1939, c. 8, Art. XI, § 2, amended. The 1st sentence of 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:

'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 thereof shall expire, the mayor, **with the approval of the board of aldermen**, shall appoint their successors for the term of 5 years.'

Sec. 7. 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 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 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. 8. 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 education herein established, the members thereof to serve in accordance with their respective appointments without interruption and the mayor, **with the approval 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 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. 9. 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 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 on the board shall be filled by appointment by the mayor, **with the approval of the board of aldermen**, for the unexpired term; **with the approval 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. 10. P. & S. L., 1939, c. 8, Art. XV-A, § 1, amended. Section 1 of article XV-A, as enacted by chapter 174 of the private and special laws of 1951, is hereby amended to read as follows:

Sec. 1. Appointment of members. The zoning board existing when this act takes effect shall be and continue as the zoning board herein established, the members thereof to serve in accordance with their respective appointments without interruption; and the mayor, **with the approval of the board of aldermen**, shall annually appoint a member for the term of 5 years or until his successor has been appointed and qualified. Vacancies occurring in the board shall be filled by appointment by the mayor, **with the approval of the board of aldermen**, for the unexpired term; provided that if no appointment be made for a period of 1 month after the vacancy shall occur, it shall be filled by the remaining members of the board.'