

MAINE STATE LEGISLATURE

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Legislative Document

No. 1019

H. P. 714

House of Representatives, February 27, 1957

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

HARVEY R. PEASE, Clerk

Presented by Mr. Rancourt of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

**AN ACT Relating to Elections, Term of Office of Mayor and Other Matters
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. II, §§ 1 and 2, repealed and replaced by §§ 1, 2 and 3. Sections 1 and 2 of Article II of chapter 8 of the private and special laws of 1939 are hereby repealed and the following sections enacted in place thereof:

‘Sec. 1. Election of aldermen, where held, etc. An election shall be held on the first Monday in December, A. D. 1957 and the first Monday of December annually thereafter, at which the qualified voters of each ward shall ballot for a member of the board of aldermen, a warden and a ward clerk. All the votes cast for the several offices shall be sorted, counted, declared and registered in open ward meeting as required by statute and the ward clerk in each ward shall forthwith deliver to the city clerk a certified copy of the record of each election. The municipal officers shall as soon as they conveniently can, examine the copies of the records of the several wards certified as aforesaid, and shall cause the persons who have been elected to the several offices to be notified in writing of their election.

Sec. 2. Election of mayor. An election shall be held on the first Monday of December A. D. 1957 and the first Monday of December biennially thereafter, at which the qualified voters of the city shall ballot for a mayor. All votes cast for the office of mayor shall be sorted, counted, declared and registered in open ward meeting as required by statute and the ward clerk in each ward shall forth-

with deliver to the city clerk a certified copy of the record of such election. The municipal officers shall as soon as they conveniently can, examine the copies of the records of the several wards certified as aforesaid and shall cause the person who shall have been elected to the office of mayor to be notified in writing of the election.

Sec. 3. Run-off election. If it shall appear that no person has received a majority of all the votes cast for mayor, a special election to be known as a run-off election shall be held on the 3rd Monday in December next thereafter at which election the names to be placed upon the ballot shall be determined as follows:

I. If but one candidate has received the highest number of votes and but one candidate has received the next highest number of votes, their names only shall be placed upon the ballot.

II. If two or more candidates have received the same number of votes and a number higher than those received by any other candidate, only the names of such candidates, whether they be two or more, shall be placed upon the ballot.

III. If one candidate has received the highest number of votes and two or more candidates have received the same number of votes which number shall have been next lower than that received by the candidate receiving the highest number, only the names of the candidate who has received the highest number and the candidates, whether two or more, who have received the next highest number of votes shall be placed upon the ballot. The candidate receiving the highest number of votes at such election shall be declared to be elected.'

Sec. 2. P. & S. L., 1939, c. 8, Art. II, § 6, repealed and replaced. Section 6 of Article II of chapter 8 of the private and special laws of 1939 is hereby repealed and the following enacted in place thereof:

'Sec. 6. First election. The first election of both mayor and aldermen under this charter shall be held on the first Monday in December, A. D. 1957, to be followed if need be by a run-off election for the office of mayor only, on the 3rd Monday in December next following and the said election shall be conducted in the manner now provided by law for the holding of municipal elections. All the provisions contained in this charter relative to nominations and ballots shall apply thereto. Upon the qualifications of the officers so elected, the terms of office of the then existing corresponding officers shall cease and determine.'

Sec. 3. P. & S. L., 1939, c. 8, Art. IV, § 2, repealed and replaced. Section 2 of Article IV of chapter 8 of the private and special laws of 1939, as amended by section 2 of chapter 86 of the private and special laws of 1943 and by chapter 208 of the private and special laws of 1951, is hereby repealed and the following enacted in place thereof:

'Sec. 2. Term and salary. The term of office of mayor shall be 2 years or until his successor shall have been elected and qualified. No person shall be eligible to the office of mayor for more than 2 terms in succession. The salary of the mayor shall be \$2,500 for each year of the term, which shall be in full for the performance of his official duties.'

Sec. 4. P. & S. L., 1939, c. 8, Art. IV, § 3, repealed and replaced. Section 3 of Article IV of chapter 8 of the private and special laws of 1939 is hereby repealed and the following enacted in place thereof:

'Sec. 3. Vacancy in office. In the event of a vacancy in the office of mayor occurring within the first 20 months of the regular term, a special election shall be held to fill such vacancy. Warrants for such election shall be issued by the city council within 30 days after the occurrence of the vacancy. Such election shall be governed by the provisions relating to nominations and elections herein contained so far as they may be applicable.'

Sec. 5. P. & S. L., 1939, c. 8, Art. V, § 3, repealed and replaced. Section 3 of Article V of chapter 8 of the private and special laws of 1939 is hereby repealed and the following enacted in place thereof:

'Sec. 3. Appropriation resolve. The city council shall, as soon as practicable after the first day of January in each year, pass an appropriation resolve giving due consideration to the recommendations of the board of finance made as herein provided. Before final passage of an appropriation resolve, a public hearing thereon shall be held, notice of which shall be advertised in the newspapers published in the city of Lewiston at least 48 hours prior thereto. No appropriation so made shall be increased or decreased, nor shall any transfer from one department or appropriation to another be made except upon recommendation of the board of finance.'

Sec. 6. P. & S. L., 1939, c. 8, Art. V, § 8, repealed and replaced. Section 8 of Article V of chapter 8 of the private and special laws of 1939 is hereby repealed and the following enacted in place thereof:

'Sec. 8. First meeting. The city council shall first convene on the first Monday in January next following its election, unless said Monday shall be a holiday, in which case the city council shall convene on the following day. At this meeting the mayor shall make the appointments which he is required to make.'

Sec. 7. P. & S. L., 1939, c. 8, Art. VIII, §§ 5 and 6, repealed and replaced. Sections 5 and 6 of Article VIII of chapter 8 of the private and special laws of 1939 are hereby repealed and the following enacted in place thereof:

'Sec. 5. Estimates required. They may require from all boards or persons charged with the expenditure of funds, estimates of their respective requirements, and shall submit to the city council on or before the first Monday in January in each year an estimate of the revenue of the city from sources other than direct taxation, together with their recommendations in detail relating to appropriations for the year ensuing, at the same time causing a summary of their recommendations to be published in the daily newspapers published in Lewiston. They may from time to time during the year recommend to the city council increases or decreases in appropriations or transfers as the same may in their judgment become needful.

Sec. 6. Powers on appropriation resolve. If on the first day of March in any year subsequent to the year 1957, the city council shall have failed finally to pass an appropriation resolve for the current year, its powers to do so shall be

at an end and the board of finance shall then and in that event perform that duty; but no other power in this charter granted to the city council shall by reason thereof vest in the board of finance.'

Sec. 8. P. & S. L., 1939, c. 8, Art. XI, § 1, amended. The first paragraph of section 1 of Article XI of chapter 8 of the private and special laws of 1939, as amended by section 1 of chapter 131 of the private and special laws of 1945; section 1 of chapter 95 and section 1 of chapter 177, both of the private and special laws of 1947; and by chapter 178 of the private and special laws of 1953, is hereby repealed and the following enacted in place thereof:

'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. 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, one police matron, 3 police clerks and such number of patrolmen, not to exceed one for each 700 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 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. 9. P. & S. L., 1939, c. 8, Art. XI, § 7-A, repealed and replaced. Section 7-A of Article XI of chapter 8 of the private and special laws of 1939, as enacted by chapter 191 of the private and special laws of 1951 and amended by chapter 67 of the private and special laws of 1953, is hereby repealed and the following enacted in place thereof:

'Sec. 7-A. Uniforms for members. The city shall supply male members of the police department with necessary uniforms upon permanent appointment thereto, but shall not expend more than \$100 per member annually. The city shall supply male members of the police department who do not wear uniforms a clothing allowance not to exceed \$100 annually.'

Sec. 10. P. & S. L., 1939, c. 8, Art. XI, § 16, repealed and replaced. Section 16 of Article XI of chapter 8 of the private and special laws of 1939, as repealed and replaced by section 5 of chapter 113 of the private and special laws of 1947, is hereby repealed and the following enacted in place thereof:

'Sec. 16. Salary and vacation of patrolmen. The salary of the patrolmen shall be fixed by the police commission, subject to the approval of the board of finance. Each patrolman with less than 5 years of service shall be entitled to a vacation of 2 weeks in each calendar year with pay at such time as may be prescribed by the chief of police. After 5 years of service, each permanent patrolman shall be entitled to 3 weeks' vacation each year with pay at such time as may be prescribed by the chief of police.'

Sec. 11. P. & S. L., 1939, c. 8, Art. XVI, § 1, repealed and replaced. Section 1 of Article XVI of chapter 8 of the private and special laws of 1939, as repealed

and replaced by section 27 of chapter 86 of the private and special laws of 1943, is hereby repealed and the following enacted in place thereof:

'Sec. 1. Employee of the city to hold only one city office. Except as otherwise herein provided, no person holding any city office, elective or appointive, shall at the same time hold any other office or be otherwise employed by the city, save in cases of emergency or upon recommendation of a municipal board or commission, and with the approval of the board of finance in each case. In no case, however, shall a member of a board or commission, elective or appointive, or the mayor, at the same time hold any other office or be otherwise employed by the city.'

Sec. 12. P. & S. L., 1939, c. 8, Art. XVI, § 7-A, additional. Article XVI of chapter 8 of the private and special laws of 1939, as amended, is hereby further amended by adding thereto a new section, to be numbered 7-A, to read as follows:

'Sec. 7-A. Joint meetings of boards and commissions. The mayor shall be authorized to call joint meetings of two or more boards and the appropriate department heads as he deems it necessary when joint problems affecting two or more boards are involved. Attendance at such joint meetings by the board members involved shall be subject to the same compensation provisions as attendance at regular meetings of said boards. A majority vote of two or more boards shall operate as a call for said joint meetings of said boards with the same attendance provisions as aforesaid in the absence of such a call by the mayor. The regular charter provisions as to notice of meetings of boards and commissions shall apply to such joint meetings.'

Sec. 13. P. & S. L., 1939, c. 8, Art. XVI, § 14, repealed and replaced. Section 14 of Article XVI of chapter 8 of the private and special laws of 1939 is hereby repealed and the following enacted in place thereof:

'Sec. 14. Termination of terms of office. Notwithstanding any other provisions herein contained to the contrary, when the 1957 amendments to this charter take effect, the terms of office of the members of all appointive boards and commissions, with the exception of the members of the board of assessors, shall terminate on the first Monday of January of the 5th year next following their appointments. The provisions of this section shall apply to present members, as well as future members, of said boards and commissions.'

Sec. 14. P. & S. L., 1939, c. 8, Art. XVI, § 15, repealed and replaced. Section 15 of Article XVI of chapter 8 of the private and special laws of 1939 is hereby repealed and the following enacted in place thereof:

'Sec. 15. Fiscal year. The fiscal year of the city shall commence on the first day of January and end on the 31st day of December of each year.'

Sec. 15. P. & S. L., 1939, c. 8, Art. XVI, § 21, repealed and § 22, additional. Section 21 of Article XVI of chapter 8 of the private and special laws of 1939, as enacted by section 3 of chapter 209 of the private and special laws of 1949, is hereby repealed and the following enacted in place thereof:

'Sec. 22. Planning board. The board of mayor and aldermen shall have authority to create by ordinance a planning board of 5 members to be appointed

by said board of mayor and 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 planning board, the board of mayor and aldermen shall designate the member whose term shall expire at the expiration of each year for 5 years thereafter. Vacancies occurring in the planning board shall be filled by appointment by the board of mayor and aldermen for the unexpired term. Said board of mayor and aldermen shall provide in their annual appropriation for such sums of money for the functioning of said planning board and shall make such other orders, rules and regulations as members of said board of mayor and aldermen may deem proper from time to time in relation thereto. The provisions of section 2 of this article shall not apply to the members of said planning board.'

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 Lewiston at a special city election to be held on the first Tuesday in September, A.D. 1957. Such special election shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration in said city of Lewiston 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 preceding such election, the first 2 days thereof to be devoted to the registration of voters and the last day to enable the board to verify the corrections of said lists 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 Relating to Elections, Term of Office of Mayor and Other Matters in City of Lewiston, passed by the 98th 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 the purposes hereof immediately upon its acceptance by a majority 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 the vote shall be declared by the municipal officers of the city of Lewiston and due certificate thereof shall be filed by the city clerk with the Secretary of State.