

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1117

H. P. 784

House of Representatives, March 5, 1957

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

HARVEY R. PEASE, Clerk

Presented by Mr. Warren of Saco.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

**AN ACT Amending the Charter of the City of Saco re Elections and
School Committee.**

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

Sec. 1. P. & S. L., 1953, c. 177, Art. VI, repealed and replaced. Article VI of chapter 177 of the private and special laws of 1953 is hereby repealed and the following enacted in place thereof:

‘ARTICLE VI

Elections

Sec. 1. Mayor, aldermen; how elected. The mayor shall be elected from the citizens at large by the legal voters of the city voting in their respective wards, and shall hold his office for 2 years from the 4th Monday in January and until another shall be elected and qualified in his place. One alderman, a warden and a ward clerk shall be elected by each ward, being residents in the ward where elected. All of said officers shall be elected by ballot by a majority of the votes given, and shall hold their offices for 2 years from the 4th Monday in January and until others shall be elected and qualified in their places. All city and ward officers shall be held to the discharge of the duties of their respective offices, notwithstanding their removal after their election into any other ward in the city; but they shall not be so held after they have taken up their permanent residence out of the city.

Sec. 2. Municipal elections, when held and how called. The municipal elections, after the first, shall take place biennially on the 2nd Monday in January.

All meetings of the citizens for municipal purposes shall be notified and called in their respective wards, by the mayor and aldermen, in the manner provided by the laws of this State for notifying and calling town meetings by the selectmen of the several towns. The wardens shall preside at all ward meetings, with the powers of moderators at town meetings; and if at any ward meeting the warden shall not be present, the clerk shall preside until a warden, pro tempore, shall be chosen. If neither the warden or clerk is present, any legal voter in the ward shall preside until a clerk, pro tempore, shall be chosen and qualified. The legal voters in each ward may choose 2 persons from each party to assist the warden in receiving, sorting and counting votes. If from any cause there shall be a vacancy in the office of warden or ward clerk in any of the wards of the city, the same shall be filled by appointment by the mayor for the unexpired term.

Sec. 3. Tie vote, how broken; notification to successful candidates. All the votes given for the said several officers, respectively, shall be sorted, counted, declared and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written on the ward record at length. The ward clerk, within 24 hours after such election, shall deliver to the city clerk a certified copy of the record of such election; provided, however, that if the choice of alderman cannot be conveniently effected on that day, the meeting may be adjourned from day to day, but not more than one week from the election day, to complete such election. If on the 2nd balloting for any alderman, warden or clerk, a choice shall not be effected by a majority vote, then the persons receiving the highest number of votes for any of those offices at the subsequent trial shall be declared elected; if no one shall then have such highest number, the balloting shall continue from day to day until a choice is effected. The city council shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor by a majority of votes given in all the wards to be notified in writing of his election; but if it shall appear that no person shall have been elected or if the person elected shall refuse to accept the office, the said council shall issue their warrants for another election; and in case the citizens should fail on a 2nd ballot to elect a mayor, the said council shall again issue their warrants for a 3rd election, to be held not less than 3 nor more than 7 days thereafter; at which election the candidate having the greatest number of votes shall be declared elected, and notified as aforesaid. If no one shall then have such number, further elections shall in the same manner be ordered until a choice shall be made by someone having the highest number of votes.

Sec. 4. Mayor and aldermen, oath of office. The mayor-elect and aldermen-elect shall, on the 4th Monday of January, at 7:30 P.M., assemble and the oath required by Article II of this charter shall be administered to the mayor-elect and members of the city council by the city clerk or any justice of the peace.

Sec. 5. Vacancies, how filled. In the event of a vacancy in the office of mayor or of an alderman, elections for the selection of a person or persons to fill the vacancy in said office shall be held as elsewhere herein provided, within a period of 60 days from the occurrence of such vacancy. In the meantime, the president pro tempore of the city council shall perform the duties of the mayor.'

Sec. 2. P. & S. L., 1953, c. 177, Art. VII, §§ 1 and 2, repealed and replaced. Sections 1 and 2 of Article VII of chapter 177 of the private and special laws of 1953 are hereby repealed and the following enacted in place thereof:

'Sec. 1. School committee; membership, term. The superintending school committee shall consist of 3 members, who shall be legal voters of the city of Saco. The mayor, with the advice and consent of the board of aldermen, shall annually appoint, on the 4th Monday of January, one member of the superintending school committee for a term of 3 years and until his successor is appointed and qualified. In case any vacancy shall occur in the superintending school committee, it shall be filled in the same manner for the remainder of the term. Any member of the superintending school committee serving before the enactment of this amendment shall complete his term on said board. No person shall be ineligible to membership on the superintending school committee on account of sex.

Sec. 2. Organization. The superintending school committee shall meet for organization on the first Tuesday in February. The new member or members shall be sworn by a justice of the peace to the faithful discharge of their duties and a record made thereof. A majority of the whole number shall be a quorum. The committee shall elect a chairman from among their number. The superintendent of schools shall be secretary of said committee. All regular meetings of the committee shall be open to the public.'