

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE LAW LIBRARY

Transmitted by the Director of Legislative Research pursuant to joint order.

NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 1248

H. P. 880

House of Representatives, March 13, 1957

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

HARVEY R. PEASE, Clerk

Presented by Mr. Lindsay of Brewer.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Amending the Charter of the City of Brewer.

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

Sec. 1. P. & S. L., 1931, c. 75, Art. II, § 2, repealed and replaced. Section 2 of Article II of chapter 75 of the private and special laws of 1931, as amended by section 1 of chapter 81 of the private and special laws of 1955, is hereby repealed and the following enacted in place thereof:

Sec. 2. Terms of members; compensation. The city council shall consist of 5 members, who shall be elected at large by and from the qualified voters of the city for a term of 3 years from the 2nd Monday in November next following the date of their election and until their successors are elected and qualified; except that at the first election after the adoption of this amendment to the charter of the City of Brewer the 2 candidates having the largest number of votes shall serve for 3 years and the candidate having the next largest number of votes shall serve for 2 years. At the second election after the adoption of this amendment to said charter, the 2 candidates receiving the largest number of votes shall serve for 3 years. At the third election after the adoption of this amendment to said charter, the candidate receiving the largest number of votes shall serve for 3 years, and each shall hold office until his successor is elected and qualified. Thereafter, at each annual municipal election, there shall be chosen at large one or two members (as the case may be) of the city council to fill the office of the member or members of the city council whose terms of office expire that year.

Each member of the city council, other than the chairman or mayor, shall receive the sum of \$200 per year in full for compensation. The member elected

chairman or mayor for the ensuing year shall receive the sum of \$300 per year in full for compensation; all such compensation to be payable quarterly.'

Sec. 2. P. & S. L., 1931, c. 75, Art. II, § 5, amended. The first sentence of section 5 of Article II of chapter 75 of the private and special laws of 1931, as amended by section 2 of chapter 81 of the private and special laws of 1955, is hereby further amended to read as follows:

'The city council shall meet at the usual place for holding meetings at ten o'clock A. M. on the 2nd Monday in ~~December~~ **November** 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. 3. P. & S. L., 1931, c. 75, Art. III, § 1, repealed and replaced. Section 1 of Article III of chapter 75 of the private and special laws of 1931, as amended by section 3 of chapter 81 of the private and special laws of 1955, 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 5 members, who shall be elected at large by and from the qualified voters of the city for a term of 3 years and until their successors are elected and qualified; except that at the first election of members of the school committee after the adoption of this amendment to the charter of the city of Brewer, the 2 candidates receiving the largest number of votes cast at such election for members of the school committee shall hold office for 3 years from the 2nd Monday in **November** next following the date of their election and the candidate receiving the next largest number of votes shall hold office for 2 years from the 2nd Monday in **November** next following the date of his election. At the second election of a member of the school committee after the adoption of this amendment to said charter, the candidate receiving the largest number of votes cast at such election for a member of the school committee shall hold office for 3 years from the 2nd Monday in **November** next following the date of his election. At the third election of members of the school committee after the adoption of this amendment to said charter, the 2 candidates receiving the largest number of votes cast at such election for members of the school committee shall hold office for 3 years from the 2nd Monday in **November** next following the date of their election. At the fourth election of members of the school committee after the adoption of this amendment to said charter, the 2 candidates receiving the largest number of votes cast at such election for members of the school committee shall hold office for 3 years from the 2nd Monday in **November** next following the date of their election; and at the fifth election of a member of the school committee after the adoption of this amendment to said charter, the candidate receiving the largest number of votes cast at such election for member of the school committee shall hold office for 3 years from the 2nd Monday in **November** next following the date of his election. Thereafter, at each annual municipal election, there shall be chosen at large one or two members (as the case may be) of the school committee to fill the office of the member or members of the school committee whose terms of office expire that year.'

Sec. 4. P. & S. L., 1931, c. 75, Art. III, § 3, amended. The first sentence of section 3 of Article III of chapter 75 of the private and special laws of 1931, as

amended by section 4 of chapter 81 of the private and special laws of 1955, is hereby further amended to read as follows:

'The school committee shall meet and organize at eight o'clock P. M. on the 2nd Monday in ~~December~~ **November**, next following the regular city election.'

Sec. 5. P. & S. L., 1931, c. 75, Art. IV, § 1, amended. The first paragraph of section 1 of Article IV of chapter 75 of the private and special laws of 1931, as amended by section 1 of chapter 42 of the private and special laws of 1947, is hereby further amended to read as follows:

'On the 3rd Monday in December, 1931, the qualified voters of the city shall ballot for 5 members of the city council and for 3 members of the school committee, and the qualified voters of each ward shall, at the same time, ballot for a warden and a ward clerk for their ward; and thereafter on the ~~1st~~ **2nd** Monday in ~~December~~ **October** each year, a regular municipal election shall be held and the qualified voters of the city shall ballot for **a member or** members of the city council and for **a member or members** of the school committee 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, ballot for a warden and a ward clerk.'

Sec. 6. P. & S. L., 1931, c. 75, Art. IV, § 2, amended. The first sentence of section 2 of Article IV of chapter 75 of the private and special laws of 1931, as amended by section 5 of chapter 81 of the private and special laws of 1955, is hereby further amended to read as follows:

'The warden and ward clerk, chosen as provided in the preceding section, shall be residents of the ward for which they are elected, and shall hold their office for one year from the 2nd Monday in ~~December~~ **November** following their election and until others have been chosen and qualified in their stead.'

Referendum; effective date; return 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 Brewer at the next regular city election called and held for the purpose at the regular voting places of the city by the officers of the city of Brewer authorized to call such election. A check list shall be used at such 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 Brewer, passed by the 98th Legislature, relative to change in election date, etc., 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 the total number of votes cast for and against the acceptance of this act at said election equals or exceeds 20% of the total vote for all candidates for Governor cast 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 Brewer and due certificate thereof shall be filed by the city clerk with the Secretary of State.