

# MAINE STATE LEGISLATURE

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NINETY - EIGHTH LEGISLATURE

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Legislative Document

No. 1649

H. P. 1135

House of Representatives, January 13, 1958

Committee on Legal Affairs suggested and 1,000 copies printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Jalbert of Lewiston

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-EIGHT

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**AN ACT** Relating to Planning Board for City of Lewiston.

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**Emergency preamble.** Whereas, the city of Lewiston has shown a steady growth in population over the past several years; and

Whereas, planning for public ways, lands, buildings, bridges and other public places of structure, together with additions to and alterations in such structures already in existence, is vitally necessary for the well-being and safety of the inhabitants of the city of Lewiston; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**P. & S. L., 1939, c. 8, Art. XVI, § 21, repealed, replaced and renumbered.** Section 21 of article XVI of chapter 8 of the private and special laws of 1939, as enacted by section 3 of chapter 209 of the private and special laws of 1949, is hereby renumbered to be section 22 and repealed and replaced to read as follows:

**'Planning Board**

**Sec. 22. Planning board.** The city of Lewiston shall establish a planning board whose composition, term of office, duties and responsibilities shall conform to the Revised Statutes of 1954, chapter 90-A, section 61, as enacted by the public laws of 1957, chapter 405, section 1. The mayor shall be the appointing officer.

The council shall provide in its annual appropriation for such sums of money for the functioning of such planning board as is deemed necessary.

The council may authorize the planning board to enter into contracts with state and federal agencies and with private consulting firms for the purpose of carrying out the duties and functions as prescribed in the Revised Statutes of 1954, chapter 90-A, section 61, subsection I, as enacted by the public laws of 1957, chapter 405, section 1.

In addition to the duties and functions prescribed in said chapter 90-A, it shall be the duty of the planning board to consider and report upon the design and their relation to the city plan of all new public ways, lands, buildings, bridges and all other public places or structures, of additions to and alterations in those already existing, and of the layout and plotting of new subdivisions of the city. All acts of the council or any branch of the city government affecting the city plans shall be submitted to the board for report and recommendation.

Any matter referred by the council to the board shall be acted upon by the board within 15 days of the day of reference, unless a longer or shorter period is specified by the council.'

**Emergency clause; referendum; effective date.** In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the City of Lewiston at the next regular city election to be held on the 3rd Monday in February, 1958, or at a special election to be called and held for the purpose within 3 months after approval of this act. Such special election shall be called, advertised and conducted according to the law relating to municipal elections; provided 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 next preceding such election, the first 2 days thereof to be devoted to registration of voters and the last day to enable the board to verify the corrections of said lists and to complete and close up its records of said session. 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 Relating to Planning Board for City of Lewiston, passed in the 2nd Special Session of 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 vote of the legal voters voting at said election; provided that the total number of votes cast for and against the acceptance of this act at said election equaled or exceeded 20% of the total vote for all candidates for Governor in said city at the next preceding gubernatorial election.

The result of such election 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.