

MAINE STATE LEGISLATURE

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NINETY - NINTH LEGISLATURE

Legislative Document

No. 581

H. P. 398

House of Representatives, February 10, 1959

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Healy of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Relating to Time of Elections for City of Portland.

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

Sec. 1. P. & S. L., 1923, c. 109, Art. II, § 5, amended. Section 5 of Article II of chapter 109 of the private and special laws of 1923 is amended to read as follows :

'Sec. 5. Regular meetings and qualifications. The city council shall meet at the usual place for holding meetings at 10 o'clock A. M., on the 2nd **Tuesday following the first Monday in ~~December~~ November** following the regular city election, and at said meeting the councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace, or by the city clerk. The city council shall, at its first meeting, or as soon thereafter as possible, establish by ordinance or resolution a regular place and times for holding its meetings, and shall meet regularly at least twice each month.'

Sec. 2. P. & S. L., 1923, c. 109, Art. IV, § 3, amended. The first sentence of section 3 of Article IV of chapter 109 of the private and special laws of 1923 is amended to read as follows :

'The school committee shall meet for organization at 4 o'clock P. M. on the 2nd **Tuesday following the first Monday in ~~December~~ November** following the regular city election.'

Sec. 3. P. & S. L., 1923, c. 109, Art V, § 1, amended. The first paragraph of section 1 of Article V of chapter 109 of the private and special laws of 1923, as amended by chapter 144 of the private and special laws of 1945, is further amended to read as follows :

'At the first election after this charter is in force, to be held on the first Monday in December, A. D., 1923, the qualified voters of the city shall ballot for 5 councilmen, and for 7 members of the school committee, and the qualified voters of each ward shall, at the same time, ballot for a warden, a ward clerk and 2 constables for his ward and in case there is more than one voting precinct or island ward in any ward, then the qualified voters of each such precinct and island ward shall vote for a warden and a ward clerk from his precinct or island ward, as well as for said 2 constables from the ward at large; and thereafter, on the ~~1st Monday in December~~ **Tuesday following the first Monday in November** in each year, a regular municipal election shall be held and the qualified voters of the city shall ballot for a councilman to fill the unexpired term of any councilman whose office is then vacant, if any such vacancy then exist, but whose term of office would not then have normally expired and for 3 councilmen to fill the offices of the councilmen whose terms of office expire that year and for such members of the school committee as may be necessary to fill the office of those whose term expires that year or for the unexpired term in which there is a vacancy; and the qualified voters of each ward shall, at the same time, ballot for a warden, a ward clerk and 2 constables for their ward and in case there is more than one voting precinct or island ward in any ward, then the qualified voters of each such precinct and island ward shall vote for a warden and a ward clerk for such precinct or island ward as well as for said 2 constables from said ward at large.'

Sec. 4. P. & S. L., 1923, c. 109, Art. V, § 2, amended. The first sentence of section 2 of Article V of chapter 109 of the private and special laws of 1923 is amended to read as follows:

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

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 Portland at the next regular city election, an appropriate article being inserted in the warrant for 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 city election of the City of Portland be changed to the Tuesday following the first Monday in November?" 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 the purposes hereof on the 2nd Monday in December, 1959, upon its acceptance by a majority of the legal voters 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 Portland and due certificate thereof shall be filed by the city clerk with the Secretary of State.