

MAINE STATE LEGISLATURE

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Legislative Document

No. 1207

H. P. 844

House of Representatives, March 11, 1959

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

HARVEY R. PEASE, Clerk

Presented by Mr. Jalbert of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Revising Election Provisions in Charter of 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, amended. The first sentence of section 1 of article II of chapter 8 of the private and special laws of 1939 is amended to read as follows:

'An election shall be held on the ~~3rd Monday in February~~ of each year **first Monday in November every 2 years**, at which the qualified voters of the city shall ballot for a mayor and the qualified voters of each ward shall ballot for a member of the board of alderman, a warden, and a ward clerk.'

Sec. 2. P. & S. L., 1939, c. 8, Art. II, § 2, amended. The first paragraph of section 2 of article II of chapter 8 of the private and special laws of 1939 is amended to read as follows:

'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 ~~1st Monday in March~~ **3rd Monday in November** next thereafter at which election the names to be placed upon the ballot shall be determined as follows:'

Sec. 3. P. & S. L., 1939, c. 8, Art. II, § 4, amended. Section 4 of article II of chapter 8 of the private and special laws of 1939 is amended to read as follows:

'**Sec. 4. Law relating to run-off elections.** All the provisions of law and of this charter covering the procedure at and following the ~~annual~~ **biennial** election so far as they may be applicable shall apply to special and run-off elections.'

Sec. 4. P. & S. L., 1939, c. 8, Art. II, § 5, additional. Article II of chapter 8 of the private and special laws of 1939 is amended by adding thereto a new section, to be numbered 5-A, to read as follows:

'Sec. 5-A. First biennial election. The first biennial election of mayor and aldermen under this charter amendment shall be held on the first Monday in November, A. D. 1959, to be followed if need be by a run-off election on the 3rd Monday in November 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; and upon qualification of the officers so elected, they shall take office on the 2nd day of January, A. D. 1960, at which time the terms of office of the then existing corresponding officers shall cease and determine notwithstanding they shall not have served for the full term of one year prescribed by the then existing charter provision.'

Sec. 5. P. & S. L., 1939, c. 8, Art. IV, § 2, amended. Section 2 of article IV of chapter 8 of the private and special laws of 1939, as repealed and replaced by section 2 of chapter 86 of the private and special laws of 1943 and as amended by chapter 208 of the private and special laws of 1951, is further amended to read as follows:

'Sec. 2. Term and salary. The term of office of the mayor shall be ~~1 year~~ 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 the term~~ per year, which shall be in full for the performance of his official duties.'

Sec. 6. P. & S. L., 1939, c. 8, Art. IV, § 3, amended. Section 3 of article IV of chapter 8 of the private and special laws of 1939 is amended to read as follows:

'Sec. 3. Vacancy in office. In the event of a vacancy in the office of mayor occurring prior to the ~~1st day of December of the year in which he shall have been elected~~ first day of July of the 2nd year of the term, a special election shall be held to fill such vacancy; warrant for such election shall be issued by the city council. Such election shall be governed by the provisions relating to nominations and elections elsewhere herein contained so far as they may be applicable.'

Sec. 7. P. & S. L., 1939, c. 8, Art. V, § 3, amended. The first sentence of section 3 of article V of chapter 8 of the private and special laws of 1939 is amended to read as follows:

'The city council shall as soon as practicable after the ~~1st day of April~~ 15th day of January in each year pass an appropriation resolve giving due consideration to the recommendations of the board of finance made as hereinafter provided.'

Sec. 8. P. & S. L., 1939, c. 8, Art. V, § 8, amended. Section 8 of article V of chapter 8 of the private and special laws of 1939 is amended to read as follows:

'Sec. 8. First meeting. The city council shall first convene on the ~~3rd Monday in March~~ 2nd day of January next following its election. At that time the

terms of office of the members of the preceding city council shall terminate. At this meeting the mayor shall make the appointments which he is required annually to make. The city council first to be elected hereunder nevertheless shall first convene on the 2nd Monday following its election, and the terms of office of the then existing mayor and aldermen shall thereupon terminate. The terms of office of the members of this first city council shall expire upon the qualification of the corresponding officers who may be elected at the city election in the year 1940 notwithstanding they shall not have served for the full term of one year; and for the purpose of determining the expiration of the terms of the officers originally appointed under the provisions of this charter, such appointments shall be deemed to have been made as of the 3rd Monday in March, 1939. The first meeting of the 2nd year of the biennial term shall likewise be held on the 2nd day of January. At these meetings the mayor shall make the appointments which he is required annually to make. In the event that either of the aforesaid dates occur on Saturday or Sunday, the first meeting of the city council shall be held on the Monday next following said 2nd day of January; and for the purpose of determining the expiration of the terms of the officers and members of boards and commissions previously appointed and now holding office, such appointments shall be deemed to have been made as of the 2nd day of January of the year in which they were appointed notwithstanding they shall not have served for the full term.'

Sec. 9. P. & S. L., 1939, c. 8, Art. V, § 9, amended. Section 9 of article V of chapter 8 of the private and special laws, as last amended by chapter 187 of the private and special laws of 1955, is further amended to read as follows:

'Sec. 9. Term and compensation. The term of office of each alderman shall be 2 years or until his successor shall have been elected and qualified. The members of the board of aldermen shall receive as full compensation for the performance of their official duties as aldermen the sum of \$15 for each meeting of the city council which they shall attend provided that no alderman shall be paid an amount in excess of \$500 for such attendance during any one fiscal year. Members of the board of aldermen when they shall convene for the purpose of constituting a board of examiners in insanity cases shall receive as full compensation for such duties the sum of \$5 for each meeting attended.'

Sec. 10. P. & S. L., 1939, c. 8, Art. VIII, § 5, amended. Section 5 of article VIII of chapter 8 of the private and special laws of 1939 is amended to read as follows:

'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 at least one week prior to the ~~first day of April~~ 15th day of January in each year submit to the city council 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. 11. P. & S. L., 1939, c. 8, Art. VIII, § 6, amended. Section 6 of article VIII of chapter 8 of the private and special laws of 1939 is amended to read as follows:

‘Sec. 6. Powers on appropriation resolve. If on the ~~1st day of June~~ **15th day of March** in any year subsequent to the year ~~1939~~ **1959**, the city council shall have failed finally to pass an appropriation resolve for the current year, its power so to do 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. 12. P. & S. L., 1939, c. 8, Art. XVI, § 15, amended. Section 15 of article XVI of chapter 8 of the private and special laws of 1939 is amended to read as follows:

‘Sec. 15. Fiscal year. The fiscal year of the city shall commence on the first day of ~~April~~ **January** and end on the 31st day of ~~March~~ **December** of each year.’