

MAINE STATE LEGISLATURE

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NINETY - NINTH LEGISLATURE

Legislative Document

No. 1253

H. P. 879

House of Representatives, March 13, 1959.

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

HARVEY R. PEASE, Clerk

Presented by Mr. Dumais of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Revising Charter of the City of Lewiston.

P. & S. L., 1939, c. 8, revised. Chapter 8 of the private and special laws of 1939, as amended, is revised as follows:

Article I.

Municipal Establishment.

Sec. 1. City of Lewiston incorporated. The inhabitants of the City of Lewiston, shall continue to be a body politic and corporate by the name of the City of Lewiston, and shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said city as a municipal corporation, or to the inhabitants or municipal authorities thereof; and may enact reasonable by-laws, regulations and ordinances, for municipal purposes, not inconsistent with the Constitution and laws of the State of Maine, and impose penalties for the breach thereof, not exceeding \$20 in any one case, to be recovered to the use of said city on complaint or by other appropriate action before the municipal court of said city.

Sec. 2. City council and board of aldermen created. The administration of all fiscal, prudential and municipal affairs of said city except as otherwise herein provided shall be vested in one body to be denominated and known as the city council, which body shall consist of one principal magistrate to be styled the mayor who shall be an inhabitant of said city qualified to vote therein and one council of 7 to be denominated the board of aldermen, each of whom shall have been a legal voter for at least one year of the ward wherein he is chosen, qualified to vote therein.

Sec. 3. Municipal officers. The mayor and board of aldermen shall be and constitute the board of municipal officers of said city.

Sec. 4. Monthly meeting required, meetings open to public. The board of control shall hold one regular monthly meeting open to the public and all meetings of the council, shall be open to the public, at which public meetings any citizen of the city shall have reasonable opportunity to be heard in regard to any matter being considered thereat. The addition of any new service or the discontinuance of any established service may be authorized only at such regular meeting. All their records shall at all reasonable times be open to the public. The minutes of all meetings of all boards and the council containing complete records of all actions taken at the meetings shall be available to the public at the office of the city clerk within 48 hours after said meetings.

Sec. 5. Quorum and procedure. Except as otherwise provided herein, 2/3 of the membership of any council, board or committee herein constituted shall constitute a quorum for doing business. A majority vote of the members present shall suffice to take any action by any such council, board or committee.

Sec. 6. Certain ordinances to remain in effect. All ordinances in force at the time when this charter takes effect, and not inconsistent with the provisions thereof shall continue in force until amended or repealed.

Sec. 7. Acts repealed. All acts and parts of acts relating to the City of Lewiston inconsistent with the provisions of this charter are hereby repealed.

Article II.

Elections.

Sec. 1. Election, where held, etc. An election shall be held on the first Monday in December biennially, 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 aldermen, a warden and a ward clerk. All the votes cast for the several offices shall be sorted, counted, declared and registered in open ward meeting as required by statute and the ward clerk in each ward shall forthwith deliver to the city clerk a certified copy of the record of such election. The municipal officers shall, as soon as they conveniently can, examine the copies of the records of the several wards certified as aforesaid and shall cause the persons who shall have been elected to the several offices to be notified in writing of their election. Election of the mayor and the members of the board of aldermen shall be by plurality. In case of tie the duly elected and qualified members of the city council shall at their first meeting elect one of the candidates receiving the highest number of votes.

Sec. 2. Election of warden and ward clerk. Election of warden and ward clerk shall be by plurality and, in case of tie, the incoming city council shall elect one of the candidates receiving the highest number of votes.

Sec. 3. First election. The first election of mayor and aldermen under this charter shall be held on the first Monday in December, A. D., 1959 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 the qualification of the

officers so elected, the terms of office of the then existing corresponding officers shall cease and determine.

Sec. 4. Provisions relating to elections. All provisions of law relating to qualification of electors, registration, the manner of voting, the counting of votes, the duties of election officers, and all other provisions relating to the management of elections, so far as they may be applicable, shall govern all municipal elections except as otherwise provided in this charter. The wardens shall preside at all ward meetings, with the powers of moderators of town meetings, and if at any meeting the warden shall not be present, the ward clerk shall preside and a warden pro tempore shall be chosen. The warden shall have all rights and powers now held by the warden of such ward. If neither the warden nor the ward clerk shall be present, any legal voter in the ward may preside until a clerk pro tempore shall be chosen and qualified. Immediately following the election of a ward clerk pro tempore a warden pro tempore shall be chosen. The clerk shall record all the proceedings and certify the votes given and deliver over to his successor in office all records and journals in his possession or under his control, together with all documents and papers held by him in his capacity as clerk. The ward clerk shall have and perform all rights and powers now held and performed by the ward clerk of such ward. All ward meetings shall be notified and called by the municipal officers in the manner provided by statute for notifying and calling town meetings by the selectmen of towns.

Sec. 5. Oath of office. All officers provided for in this charter whether elective or appointive shall before assuming their respective duties qualify by being sworn to the faithful performance thereof before the city clerk or some magistrate thereto qualified.

Sec. 6. Removal from office. The mayor, members of the board of aldermen, of the board of control, or of any of the departmental heads and commissioners herein created may be removed for cause on petition signed by not less than 10 inhabitants of the city who have attained their majority. Such petition shall be addressed to a Justice of the Supreme or Superior Court and shall state the grounds upon which removal is sought; It may be entered in the clerk's office of the Superior Court in Androscooggin County in term time or in vacation. On proof of service of such notice as the justice may order and hearing, the respondent member may by order of the justice, from which no appeal shall lie, be removed from office. Nonfeasance as well as misfeasance in office may be assigned as ground for removal.

Sec. 7. Termination of terms of office. Except as otherwise herein provided, when this charter takes effect, upon the original election or appointment of all boards, commissions, committees and officers herein provided for, the terms of office of the then corresponding existing boards, commissions, committees and officers and of all boards, commissions, committees and officers having corresponding duties shall terminate. The remuneration of those persons whose offices as aforesaid shall be pro-rated in accordance with the date of termination.

Sec. 8. Term of office; elected officials. The term of office of elected officials shall commence on the first day of January following their election and shall terminate on the 31st day of December following the next regular election.

Article III.

Nominations and Ballots.

Sec. 1. Nomination by petition. The nomination of all candidates for elective offices shall be by petition and without party designation. The petition of a candidate for mayor shall be signed by not less than 200 nor more than 400 qualified voters of the city. The petition of a candidate for alderman shall be signed by not less than 100 nor more than 200 qualified voters of the ward wherein the candidate is to be elected. The petition of a candidate for warden or ward clerk shall be signed by not less than 25 nor more than 50 qualified voters of the ward wherein the candidate is to be elected. No voter shall sign petitions for more than one candidate for each office and should any voter sign more than one such petition, his signature shall be counted only upon the first petition filed and shall be held void upon all other petitions.

Sec. 2. Nomination papers. The signatures to nomination papers need not all be affixed to one petition but to each separate petition there shall be attached the affidavit of the circulator thereof stating the number of signers on such petition and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer giving the street and number of the street or other description sufficient to identify the same. Provided, however, that no such nomination papers shall be issued by the city clerk or circularized for signature more than 30 days prior to the earliest date allowed for filing such papers. The form of nomination petition shall be substantially as follows:

To the City Clerk of the City of Lewiston:

We, the undersigned voters of the City of Lewiston, hereby nominate whose residence is for the office of to be voted for at the election to be held in the City of Lewiston on the day of, 19..... and we individually certify that we are qualified to vote for a candidate for the above office and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name Street and Number

..... being duly sworn, deposes and says that he is the circulator of the foregoing nomination petition containing signatures, and that the signatures appended thereto were made in his presence and are the genuine signatures of the persons whose names they purport to be. (Signed)

Subscribed and sworn to before me this day of, 19....

Justice of the Peace or Notary Public

If this petition is deemed insufficient by the City Clerk, he shall forthwith notify by mail at No. Street.

Sec. 3. Filing of petitions. The nomination petitions for any one candidate shall be assembled and united into one petition and filed with the city clerk not earlier than 30 days nor later than 12 o'clock noon of the 3rd Saturday prior to the day of election. No nomination shall be valid unless the candidate shall file with the city clerk in writing not later than 12 o'clock noon of the 3rd Saturday prior to the day of election, his consent accepting the nomination, agreeing not to withdraw, and, if elected, to qualify.

Sec. 4. Ballot. The face of the ballot shall be substantially the following form:

City of Lewiston
Regular (or Special) City Election
Official Ballot

Ward

Candidates for office in the City of Lewiston at an election held on Monday the day of, A.D. 19.....

INSTRUCTIONS: To vote for any person, make a cross in the square at the right of the name voted for. Do not vote for more than one candidate for any one office.

For Mayor

.....

No. Street

.....

No. Street

For Alderman

.....

No. Street

.....

No. Street

For Warden

.....

No. Street

.....

No. Street

For Ward Clerk

.....

No. Street

.....

No. Street

(Names of candidates for each office to be alphabetical order and followed by blank space for name of voter's choice not nominated.)

(facsimile signature)

.....
City Clerk

and on the back of the ballot shall appear the following :

City of Lewiston
Regular (or Special) City Election
OFFICIAL BALLOT

Ward

(facsimile signature)

.....
City Clerk

Sec. 5. Preparation of ballots. Specimen ballots and official ballots for use in all city elections shall be prepared by the city clerk and furnished by the city. The city clerk shall cause appropriate specimen ballots to be posted in the voting places in each ward and advertised in the daily newspapers published in Lewiston not later than 7 days prior to the election, and not less than 3 days prior to a special election. Such specimen ballots shall be printed on colored paper and marked "Specimen Ballot", but shall otherwise be facsimiles of the official ballot.

Article IV.

The Mayor.

Sec. 1. Duties of mayor. The mayor shall be the chief magistrate of the city. It shall be his duty to be vigilant and active in causing the Laws and regulations of the city to be executed and enforced. He may call special meetings of councils, boards, committees and commissioners when in his opinion the interest of the city requires it. He shall from time to time communicate to the city council such information and recommend such measures as the business and interests of the city may in his opinion require. He shall preside at the meetings of the city council but shall have no vote therein except for the purpose of breaking a tie.

Sec. 2. Term and salary. The term of office of the mayor shall be 2 years or until his successor shall have been elected and qualified. The salary of the mayor shall be \$5,000 per annum, which shall be in full for the performance of his official duties.

Sec. 3. Vacancy in office. In the event of a vacancy in the office of mayor occurring within the first 20 months of the regular term, a special election shall be held to fill such vacancy; warrant for such election shall be issued by the city council within 30 days after the occurrence of the vacancy. Such election shall be governed by the provisions relating to nominations and elections herein contained so far as they may be applicable.

Article V.

City Council.

Sec. 1. President of council. The city council shall, as early in the term as may be, by ballot, elect one of their number to be its president whose duties shall be to preside in the absence of the mayor and who in the event of a vacancy in the office of mayor shall perform the duties of that office until a mayor shall have been elected and qualified, save that he shall make no appointments which by the terms of this charter the mayor may be required to make; and while so acting he shall be entitled to the same pay that the mayor would have received, but he shall not be entitled to both the salary of mayor and the compensation of an alderman.

Sec. 2. Ordinances. The power to enact, amend or repeal ordinances shall vest in the city council. Every ordinance, before final passage, shall be published, marked "City of Lewiston, Proposed Ordinance" in the daily newspapers published in Lewiston at least 48 hours before the meeting at which such action is taken and shall take effect at the expiration of 30 days after it shall have been approved by a Justice of the Supreme Judicial Court. Every ordinance shall require on final passage the affirmative vote of at least 4 aldermen. The foregoing provisions shall govern procedure for the amendment or repeal of an ordinance; provided, however, that for the repeal of an ordinance the publication of such ordinance shall be by title only.

Sec. 3. Ordinances; filing of bonds. The municipal officers of the City of Lewiston are hereby authorized to enact ordinances regulating the following classes of persons, businesses, and purposes and may authorize the city clerk of said city to grant licenses and permits therefor for such periods of time and in accordance with such rules and regulations not inconsistent with law, and upon payment by the licensee of such fees, and filing of such bonds as said municipal officers may establish and make provisions for by ordinance, to-wit: Auctioneers, the maintenance and operation of garages, filling stations, sidewalk tanks and pumps, for the sale of or distribution of gasoline and other volatile inflammable liquids for fuel or power, the manufacture, storage, sale, transportation, disposition and use of explosives and flammable liquids, billiard tables, pool tables, bowling alleys, roller skating rinks, junk dealers, dealers in second-hand parts and salvage of automobiles, dealers in second-hand merchandise, hawkers and peddlers, employment agencies, itinerant vendors, public automobiles, taxicabs and motor busses, public wagons and trucks, amusements, exhibitions and performances, theatres, moving picture houses, inns, victualers, pawnbrokers, lodging houses, public shooting galleries, the manufacture, storage, sale, disposition and use of fireworks, dance halls, circuses, and the erection and maintenance of signs, flags, banners, awnings, marquees and all other things

within the limits of the sidewalks, roads, ways and streets of said city, and no such objects placed within said limits in accordance with such ordinances shall be deemed defects in such sidewalks, roads, ways and streets. The municipal officers may by ordinance assign the duty of approving the issuing of licenses to appropriate city departments.

Sec. 4. Time of meetings. The city council shall, at its first meeting, or as soon thereafter as may be, establish by ordinance or resolution a regular place and time for holding its meetings, and shall meet regularly at least twice a month.

Sec. 5. Vote, how taken. In all meetings of the city council the vote shall be taken by yeas and nays when directed by the mayor or requested by 2 aldermen.

Sec. 6. Vacancies. In the event of a vacancy in the office of alderman, the remaining members of the board shall elect a successor for the unexpired term who shall be an inhabitant of the ward in which the vacancy exists, qualified to vote therein; and in the event of more than 3 vacancies in the office of alderman existing at the same time, the city clerk shall forthwith issue his warrant for a new election to fill such vacancies.

Sec. 7. First meeting. The city council shall first convene on the first Monday in January next following its election unless said Monday shall be a holiday in which case the city council shall convene on the succeeding day. At this meeting the mayor shall make the appointments which he is required to make.

Sec. 8. Compensation. 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 and the joint board which they shall attend, provided that no alderman shall be paid an amount in excess of \$750 for such attendance during any one fiscal year. Members of the board of aldermen when they shall convene for the purposes of constituting a board of examiners in insanity cases shall receive as full compensation for such duties the sum of \$5 for each meeting.

Sec. 9. Review and alteration of ward lines. It shall be the duty of the city council each 10th year commencing with the year of 1951 to review, and if needful to alter, the ward lines in such manner as to preserve as nearly as may be an equal number of voters in each ward.

Article VI.

City Clerk.

Sec. 1. Appointment of City Clerk. The city clerk shall be appointed by the joint board subject to the provisions of Article X.

Sec. 2. Records to be kept. He shall keep full records of the doings of the city council. He shall perform all duties and exercise all powers by law incumbent upon or vested in town and city clerks generally and shall perform such other duties as the city council may prescribe.

Sec. 3. Notices. He shall cause all persons appointed to office by the mayor seasonably to be notified of their appointment; he shall seasonably notify each member of the city council of all meetings of the council, and he shall cause notice of the time and place of all meetings of city officials to be conspicuously posted in his office.

Sec. 4. Custodian of records. He shall be the custodian of all records and documents pertaining to his office; he shall at least annually under the direction of the joint board cause to be printed a report of the various city departments.

Sec. 5. Record of qualification for office. He shall make and keep a record of the qualification of all such city officers as qualify before him and shall require and record certificates from the proper magistrates of the qualification of all such officers as qualify before him.

Sec. 6. Permits and licenses. He shall countersign and issue all permits and licenses which shall be duly granted and signed by any other officer, board or commissioner of the city and make and keep a record of the same. Any duly authorized license or permit shall be deemed to be properly issued if it shall bear the signature of the city clerk and shall recite the source of its authority.

Sec. 7. Notices to board of control. He shall in writing notify the board of control and the treasurer of all acts, orders or resolves of the city council authorizing appropriations, expenditures, assessments, apportionments, abatements or awards of damages immediately after their passage.

Sec. 8. Custodian of seal. He shall be the custodian of the seal of the city.

Sec. 9. Fees paid to city treasurer. He shall account monthly under oath and pay over to the city treasurer all fees received by him or payable to him by virtue of his office which may be receivable by the city.

Sec. 10. Salary. The salary of the city clerk shall be set by the joint board and he shall receive no other compensation or emoluments for the performance of of his official duties except fees paid by the State.

Article VII.

Corporation Counsel.

Sec. 1. Appointment of corporation counsel. The corporation counsel shall be appointed by the mayor with the approval of the board of aldermen and shall hold office for the term of the mayor or until his successor shall have been appointed and qualified. In the event of a vacancy in the office, the mayor, with the approval of the board of aldermen, shall appoint a successor for the unexpired term.

Sec. 2. Duties. He shall be the legal advisor to the mayor and all councils, boards, committees and commissioners.

Sec. 3. Other duties. He shall prosecute and defend all suits to which the city may be a party and shall perform such other duties as ordinarily appertain to the office.

Sec. 4. Limitation of legal services. Other legal services to be performed at the city's charge may be engaged only upon approval of the joint board.

Sec. 5. Salary. The salary of the corporation counsel shall be \$4,000 per annum.

Article VIII.

Board of Control.

Sec. 1. Members of board of control. The board of control shall consist of 5 members, namely, the police commissioner, the fire commissioner, the public works commissioner, the health and welfare commissioner and the chairman of the board of education. They shall serve for the term of the mayor or until their successors have been appointed and qualified.

Sec. 2. Vacancies. Any vacancy occurring in the board shall be filled by appointment by the mayor for the unexpired term provided that if no appointment be made for the period of one month after the vacancy shall occur, it shall be filled by the remaining members of the board.

Sec. 3. Chairman. The mayor shall be ex-officio the chairman of the board of control but shall have no vote therein except for the purposes of breaking a tie. If the mayor is absent the board shall from its membership elect a chairman pro tempore.

Sec. 4. Salary. The members of the board of control shall receive as full compensation for the performance of their official duties, including their duties as heads of their respective departments, the sum of \$1,000 per annum.

Sec. 5. Purchasing. The board of control shall constitute the general purchasing agency of the city for all materials, equipment, supplies, land, buildings and organized services. It shall honor all requests for purchases made by the several departments provided such purchases would be included in the budget and further provided that all such purchases in excess of the sum of \$300 shall be made only after public advertising notice thereof and the submission of competitive bids therefor.

Sec. 9. Appointments. The board of control shall appoint a purchasing agent who shall be an executive officer and clerk of the board; a collector of taxes and a city treasurer both of which positions may be held by the same person; an auditor, a civil engineer, a board of assessors, consisting of 3 members and such clerical or other assistance as may be required for the administration of the board of control's affairs. All of said appointments shall be subject to the provisions of Article X. The board of assessors shall make a report to the board of control at least once a month of all abatements of taxes by them granted.

Sec. 10. Bonding. The board of control shall require all city officers, agents, appointees and employees whose duties require the receiving, handling or disbursement of moneys belonging to the city to give bond to the city in a penal sum and with surety or sureties acceptable to the board, conditioned for the true accounting for and proper disposition of all such moneys. Premium charges for such bonds shall be paid by the city.

Sec. 11. Rules governing administration of affairs may be enacted. The board of control and the several departmental boards and commissioners provided for herein may each enact rules governing the administration of their affairs not inconsistent with the provisions of law, of this charter, or the ordinances of the city; such rules will not be effective, however, until approved by the joint board.

Sec. 12. General supervision over finances. The board of control shall have general supervision and full control over the several departments of the city so far as it relates to their financial transactions, records and auditing and to the receiving and disbursement of moneys.

Article IX.

Joint Board.

Sec. 1. Membership. The joint board shall be composed of the members of the board of control and the members of the city council. The mayor shall preside over the board but shall not vote except to break a tie. The board shall meet at such times as the mayor deems necessary.

Sec. 2. Budget committee. The joint board shall meet as a budget committee as soon as practicable and as often as the mayor deems necessary after the first of January of each year and study the sources of revenue and expenditures of the city for the ensuing fiscal year. After giving due consideration to all departmental recommendations, the budget committee shall formulate a budget for the ensuing fiscal year.

Sec. 3. Appropriation resolve. The joint board shall, as soon as practicable after the first day of January and prior to the first Monday in March in each year, pass an appropriation resolve based upon the budget formulated by the budget committee as herein provided. Before final passage of an appropriation resolve a public hearing thereon shall be held, notice of which shall be advertised in the newspapers published in Lewiston 48 hours at least prior thereto. No appropriation so made shall be increased or decreased nor shall any transfer from one department or appropriation to another be made except by action of the joint board.

Sec. 4. Audit. The joint board shall require a financial audit or investigation in any city department or office when in its judgment the same should be done, and should such audit or investigation appear to them to disclose irregularities therein, they shall forthwith report such apparent irregularities to the appropriate board or commissioner for action and if within what in its judgment is a reasonable time no satisfactory corrective action is taken, it may, after public hearing, at which it shall have power to compel the attendance of witnesses and the production of books and papers and on determination of misconduct, remove any official from office, provided that such official shall have been seasonably furnished a copy of the charges against him and have been given opportunity to be heard, and such official shall not vote as a member of the joint board at such hearings. The foregoing discharge procedure applies only to elected officials and officials appointed by the mayor with or without the approval of the board of aldermen; discharge of other city employees shall be in accordance with article X.

Sec. 5. Temporary loans. Temporary loans in anticipation of taxes may be negotiated only as recommended by the joint board during any fiscal year but the aggregate amount of such loans outstanding at any one time shall not exceed 80% of the revenue received from taxes during the preceding fiscal year. All such loans shall be repaid within the year from receipts from taxes for the fiscal year in which said loans are made.

Article X.

Personnel.

Sec. 1. Personnel board. The personnel board shall be composed of 3 members, each appointed by the mayor for a term of 3 years, except that the first appointments so made under this charter shall be for 1, 2 and 3 years respectively. As soon as practicable after January 1st of each year, the board shall convene and elect a chairman from the board's membership. The board shall meet at such times as the chairman directs and each member shall receive compensation in the amount of \$10 per meeting but not in excess of \$300 per year. The board shall keep full and complete minutes of its proceedings, which minutes shall be open to public inspection. The first board appointed under this revised charter shall meet as soon as practicable and as often as necessary after its appointment for the purpose of performing its duties hereinafter enumerated. If the personnel board has not submitted for approval to the joint board the rules hereinafter referred to by the first Monday in March, 1960, then the joint board shall assume said rule-making duty and perform it.

Sec. 2. Jurisdiction. The powers and duties of the personnel board hereinafter described shall apply to all city employees except elected employees and those employees appointed by the mayor with or without the approval of the board of aldermen. Such employees over whom the personnel board has jurisdiction shall be hereinafter referred to as classified employees.

Sec. 3. Employment and discharge. All classified employees shall be hired by department heads from lists of eligible applicants submitted by the personnel board. All classified employees shall have tenure of office and shall not be removed except for cause. Removal proceedings may be initiated only by the heads of the departments in which the person to be discharged is employed. Said person shall be furnished with a written copy of the charges against him and shall be given a public hearing before the joint board and he shall have the right of appeal from any action of said joint board to the Superior Court of Androscoggin County.

Sec. 4. Powers and duties. The personnel board shall meet with the head of each department and prescribe or amend rules regarding classified employees relative to:

- I. Eligible registers.
- II. Classification of positions.
- III. Compensation.
- IV. Examinations for positions

- V. Promotion.
- VI. Provisional, emergency, exception and temporary appointments.
- VII. Probation period.
- VIII. Transfer.
- IX. Reinstatement.
- X. Demotion.
- XI. Dismissals, suspensions and layoffs.
- XII. Leave of absence, resignation, hours of service, vacation and sick leave.
- XIII. Personnel records.
- XIV. In-service training.
- XV. Retirement.

which rules and amendments shall become effective only upon approval by the joint board. The personnel board shall be responsible for the enforcement of all rules and amendments thereto, so adopted, and no rule or amendment thereto so adopted shall be construed to operate to the prejudice of any right or benefit which any person in the employ of the City of Lewiston, on the effective date of this article, has gained by virtue of his employment. The provisions of the charter of the City of Lewiston in effect prior to the enactment of this revision relating to employees over whom the aforesaid personnel board has jurisdiction shall remain in effect until the aforesaid rules have been adopted; said persons shall retain their jobs and be accorded the aforesaid tenure of office; the person holding the office of controller under the charter in effect prior to the effective date of this charter and holding office at said effective date, shall be the purchasing agent under this revised charter.

Sec. 5. Pension board. The personnel board shall serve as the pension board. The pension board shall pass upon all applications for pensions and no pension payment shall be made until said board has determined that the applicant is so entitled by law.

Sec. 6. Employee of city to hold only one city office. Except as otherwise herein provided, no person holding any city office, elective or appointive, shall at the same time hold any other office or be otherwise employed by the city, save in cases of emergency and subject first to the approval of the joint board in each case.

Sec. 7. No city employee to have interest in any contract entered into by or for city. No member of the city council, no subordinate city officer, no member of any board or commissioner charged with the expenditure of any money appropriated by the city council or belonging to the city, no officer or employee of the city elected or appointed, shall be interested in any contract entered into by or in behalf of the city for labor or material, or the purchase thereof, to be performed for or furnished to the city and any contract made in violation hereof shall be void.

Sec. 8. Solicitations from employees and officials for candidates, unlawful. It shall be unlawful for any person to solicit money or anything of value, directly or indirectly, from any city employee or member of a board or commission, on behalf of any candidate for the office of mayor or alderman.

Article XI.

Zoning Board.

Sec. 1. Appointment of members. The zoning board shall be composed of 5 members, each appointed by the mayor for a term of 5 years, except that the first appointments so made under this charter shall be for 1, 2, 3, 4 and 5 years respectively. Vacancies occurring in the board shall be filled by appointment by the mayor for the unexpired term; provided that if no appointment be made for a period of one month after the vacancy shall occur, it shall be filled by the remaining members of the board.

Sec. 2. Duties. The zoning board shall be charged with the responsibility of administering such zoning laws as are now in effect in the City of Lewiston and any others that shall hereafter be enacted by the board of aldermen and such other duties as the board of aldermen shall from time to time assign to it. All powers and duties of the zoning board shall be subject to the provisions of the Revised Statutes of 1944, chapter 80, sections 84 to 89, and acts amendatory thereof or additional thereto.

The zoning board shall be the zoning board of appeals and hear all appeals from decisions of the building inspector.

Sec. 3. Building inspector; building permits. The zoning board shall employ a building inspector subject to the provisions of article X. No building shall be constructed or repaired until a permit authorizing the same has been issued by the inspector. The fee for said permit shall be based on the cost of construction or repair, as follows:

Fee in dollars	Cost in dollars
.50/1,000	1 to 4,000
1/1,000	4,000 to 100,000
.50/1,000	over 100,000

Sec. 4. Compensation. The members of the zoning board shall receive as full compensation for the performance of their official duties the sum of \$10 per meeting, but not to exceed the sum of \$300 each in any one year.

Article XI-A.

Planning Board.

Sec. 1. 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.

The planning board shall consider the needs of the city for the acquisition or construction of additional facilities and the order in which projects ought to be undertaken over a period of years, giving all departments an opportunity to present the importance and urgency of projects in their respective jurisdictions.

The planning board may, from time to time, report to the board of finance, the board of aldermen and the mayor its recommendations with respect to plans for municipal projects over a term of years and the order in which they ought to be undertaken.

The planning board shall hold public hearings on all projects involving an estimated expenditure in excess of \$25,000. It shall report its recommendations to the board of control on specific projects after such hearings.

No compensation shall be paid to the members of the planning board for performing their duties.

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.

Article XI-B.

Parking Commission.

Sec. 1. Members of the parking commission. The parking commission shall consist of 3 members to be appointed by the mayor for a term of 3 years or until their successors have been appointed and qualified; save that at the time of appointing the first commission under this charter, the mayor shall designate the members whose term shall expire at the expiration of each period of one year for 3 years thereafter. The provisions of article XVIII, section 2, shall not apply to the parking commission.

Sec. 2. Powers. The commission is hereby authorized and empowered to construct, maintain, reconstruct and operate parking areas and parking meters, both on street and off street, at locations within the City of Lewiston, and to acquire in the name of the City of Lewiston by purchase, continuation, lease or otherwise real property and rights or easements therein deemed by it necessary or desirable for its purposes and to use and dispose of such property.

Parking lots and meters shall be maintained, repaired by and under the control of the parking commission.

The commission shall receive and be responsible for all revenues derived from the operation of all parking meters and parking areas in the City of Lewiston. The board of control shall have general supervision and full control over the parking commission so far as it relates to its financial transactions, records and auditing, and to the receiving and disbursement of moneys. No expenditure shall be made by the parking commission unless the approval of the board of control shall first have been obtained. Subject to the joint approval of the board of control and the mayor and board of aldermen, said commission is hereby authorized and empowered to issue parking revenue bonds, payable from parking fees and revenues derived from both on street and off street parking meters, which shall be deemed to be a debt or a pledge of the faith and credit of the City of Lewiston. The parking commission may establish a reserve fund by authorizing, at the end of any fiscal year, the transfer of any unencumbered funds derived from said parking meters and parking fees for future use in the construction, operation and maintenance of parking lots and for any other purpose which it shall deem necessary to improve the parking conditions in the City of Lewiston and for the purpose of alleviating crowded streets, congested intersections and the lack of sufficient opportunities to load and unload passengers and freight. The police department shall be charged with the responsibility of the policing of parking meters on any public way.

Sec. 3. Officers, agents and employees. The commission shall have full power and authority to employ such assistants, agents and servants, and other employees, as it shall deem necessary or desirable for its purposes, prescribe their duties, set their compensation subject to the approval of the board of control, and terminate their employment at pleasure.

Article XII.

Departments Created.

Sec. 1. Departments created. The following administrative departments are hereby created, to wit: Department of public works, police department, fire department, department of education and department of health and welfare.

Article XIII.

Department of Public Works.

Sec. 1. Commissioner. The affairs of the department of public works shall be administered by a commissioner appointed by the mayor for the term of the mayor or until his successor has been appointed and qualified.

Sec. 2. Duties of the department. The department of public works shall be charged with responsibility for the construction, maintenance and repair of streets, bridges, sidewalks and sewers; lighting of streets, public buildings and places; water supply; control and maintenance of public parks and lands; control, maintenance, and repairs of all public buildings except buildings occupied by the school department and the fire department during their actual period of occupancy; and disposal of ashes and rubbish.

Sec. 3. Employees. The commissioner shall employ a director and such superintendents, engineers, inspectors, foremen, agents and other employees as may be required for the administration of the affairs of the department subject to the provisions of article X.

Article XIV.

Police Department.

Sec. 1. Police department; how constituted. The police department shall consist of a police commissioner appointed by the mayor for the term of the mayor or until his successor has been appointed and qualified. The commissioner shall appoint a chief of police and he shall appoint 4 captains of police, one captain of detectives, 4 lieutenants of police, 6 sergeants of police, 3 police clerks, and such number of patrolmen as the commissioner shall deem necessary, subject to the provisions of article X. The commissioner may appoint such number of patrolmen as he shall deem necessary to act as detectives.

Sec. 2. Rules and regulations. The commissioner shall have full power and authority, subject to the provisions of this charter, to organize and establish the police force of the city and to make all rules and regulations for the government, control and efficiency of the same. Such rules, regulations and organization shall not be effective until approved by the joint board.

Sec. 3. Powers of officers. All members of the department, save the police clerks, shall have and exercise within the limits of the city all the common law and statutory powers of constables, except service of civil process, and all powers given to police officers by the statutes of the State, by this charter and by the ordinance by-laws and regulations of the city, and such special powers as may be conferred upon them by the commissioner under the authority of this charter.

Sec. 4. Uniforms for members. The city shall supply male members of the police department with the necessary uniforms, but shall not expend more than \$100 per member annually. The city shall supply male members of the police department who do not wear uniforms a clothing allowance not to exceed \$100 annually. The provisions of this section apply only to those who have been appointed permanent members of the department.

Sec. 5. Number of patrolmen may be increased. The commissioner shall have power, subject to the approval of the joint board, to increase the number of patrolmen provided for in this charter. The patrolmen created shall be appointed by the commissioner subject to the provisions of article I.

Sec. 6. Constables. The commissioner shall appoint such number of constables resident in each ward as he may determine for the term of one year and shall appoint all such dog officers and other officers for the performance of police duty as he may deem expedient subject to the provisions of article X.

Sec. 7. Enforcement of traffic laws; sealer of weights and measures; term of office; salary. The commissioner shall be charged with the enforcement of all laws and ordinances relative to the regulation of traffic and to the subject of weights and measures and shall appoint a sealer of weights and measures subject to the provisions of article X.

Sec. 8. Vacations. After one year of service, and less than 5 years of service, all personnel of the department shall be entitled to 2 weeks' vacation with pay each calendar year at such time as may be prescribed by the commissioner.

Each member of the department having served over 5 years as a permanent member shall be entitled to 3 weeks' vacation with pay each calendar year at such time as the commissioner may prescribe.

Sec. 9. Retirement; permanent disability. Any member of the Lewiston police department who shall have arrived at the age of 65 years in active service, or any member who while in the performance of duty has become permanently disabled, or any police officer of the city who was a member of the police department at the time of the enactment of chapter 37 of the private and special laws of 1917 and who thereafterwards, but prior to the enactment of chapter 8 of private and special laws of 1939, arrived at the age of 65 years while in active service, shall be retired and shall be entitled to a pension equal to $\frac{1}{2}$ of the pay which such member received at the time of his retirement or permanent disability. If a member of the Lewiston police department shall die as a result of injury received in line of duty, his widow, or, if none, his minor child or children, shall receive a pension equal to $\frac{1}{2}$ of the pay of such member at the time of his death. Such pension shall be paid to the widow until she dies or remarries or to a child or children until they die or reach the age of 18 years.

Sec. 10. Pensions, application for. When application is made for pension because of permanent disability while in active service, the applicant shall satisfy the commissioner that he is permanently disabled and that his disability was incurred in the discharge of his duties as a member of the department or while on authorized leave.

Sec. 11. Granting of pensions. The commissioner shall investigate and pass upon all matters pertaining to the pensions of policemen, in accordance with the provisions of this charter, and shall have authority to grant such pensions as provided herein.

Sec. 12. Payment of pensions. The pensions specified in this charter shall be paid monthly by the city treasurer and no pension shall be allowed unless application therefor shall have been approved by the commissioner.

Sec. 13. Petition for retirement. Any member of the police department, who has served not less than 25 years, shall be retired on his petition, and thereupon become entitled to a pension equal to $\frac{1}{2}$ of the pay which such member received at the time of his retirement.

Any special patrolman of the department who has served continuously with pay until his regular appointment shall be given credit for such time served towards his retirement.

Sec. 14. Pension provisions for chief of police. The chief of police, after having served 25 years in any capacity in the police department or if permanently disabled while in the performance of some duty devolving upon him as a member of the department, shall be retired upon his petition; whereupon he shall be entitled to a pension equal to $\frac{1}{2}$ of the pay which he received at the time the disability occurred or at the time his application was filed with the commissioner petitioning for retirement benefits. Nothing herein shall be construed to deprive the incumbent chief of the years of service presently accrued as chief of said department.

Sec. 15. Pension benefits; computation of service credit. For the purpose of pension benefits, service credit shall be computed from the time that an applicant is accepted by the commissioner as a member of the Lewiston police department and whose name has been listed as eligible for appointment as a permanent member of the department, and who has been on call on a 24-hour duty basis, and has responded to calls for employment during the time that he is eligible and before he was made a permanent member of the department.

Sec. 16. Limitations. The provisions of this article with reference to the retirement benefits in favor of the members of the Lewiston police department, including the chief of police and police matron, shall apply only to those who became members of the department prior to July 1, 1951.

Any person who shall become a permanent member of said police department after July 1, 1951 shall, as a condition of employment, become a participating member in the Maine State Retirement System.

Article XV.

Fire Department.

Sec. 1. Responsibilities. The fire department shall be charged with responsibility for fire prevention, fire protection, annual fire inspection and the extinguishment of fires, and the control and inspection of electric wiring equipment and appliances.

Sec. 2. Fire department; how constituted. The affairs of the fire department shall be administered by a fire commissioner appointed by the mayor for the term of the mayor or until his successor has been appointed and qualified.

Sec. 3. Officers. The commissioner may employ a chief fire department engineer, a superintendent of fire alarm, such assistant fire department engineers and such other officers, members and employees of the department as he shall deem necessary subject to article X. The commissioner may also appoint an

inspector of electrical wiring, equipment and appliances and such clerks and assistants to these officials as he deems necessary subject to the provisions of article X.

Sec. 4. Executive officer. The chief engineer shall be the executive officer of the department and shall have full control and direction of the members of the department and when engaged in the extinguishment of fire shall have full control of all persons not connected with the fire department whose presence at or in the vicinity of a fire may be deemed by him to be attended with hazard to themselves or to hinder the work of the firemen.

Sec. 5. Certain duties. The commissioner shall make suitable provision for the protection of life and property in case of fire, shall have full control of all buildings used as fire stations and shall be charged with their maintenance, repair and up-keep but only so long as they are so used, and shall have full control of the fire alarm telegraph system and all the apparatus of the fire department.

Sec. 6. Rules and regulations. The commissioner may make such rules and regulations not inconsistent with law, this charter and the city ordinances for the government and efficiency of the department as he may deem advisable such rules and regulations to be effective only upon approval of the joint board.

Sec. 7. Hearings. The commissioner may conduct hearings for the purpose of determining the cause of fires or concerning any matter within the authority of the department at which they shall have power to compel the attendance of witnesses and the production of books and papers and to administer oaths to witnesses.

Sec. 8. Permanent membership. All members of the department designated as permanent members when this charter was enacted shall continue as such, and the commissioner may require a period of trial service of not less than 6 months of any applicant for permanent membership before enrolling him upon the list of permanent members. After one year of service and less than 5 years of service all those qualified as permanent members shall be entitled to 2 weeks' vacation each year with pay at such time as may be prescribed by the commissioner. After 5 years of service such permanent members shall be entitled to a 3 weeks' vacation each year with pay at such time as may be prescribed by the commissioner.

Sec. 9. Retirement age. Any member of the fire department who shall have arrived at the age of 65 years in active service and who shall have served not less than 25 years shall be retired and shall be entitled to a pension equal to $\frac{1}{2}$ of the pay which such member received at the time of his retirement. The commissioner may retain the services of any member of the department who has reached the age of retirement from year to year if he consents, while they deem it for the best interest of the department. In such cases he shall be entitled to his pension from the date of actual retirement.

Sec. 10. Pension for retirement. Any member of the department who shall have served not less than 25 years shall be retired upon his petition, and thereupon shall be entitled to a pension equal to $\frac{1}{2}$ of the pay which such member received at the time of his retirement. If a member of the Lewiston fire depart-

ment shall die as a result of an injury received in line of duty, his widow, or, if none, his minor child or children, shall receive a pension equal to $\frac{1}{2}$ of the pay of such member at the time of his death. Such pension shall be paid to the widow until she dies or remarries or to a child or children until they die or reach the age of 18 years.

Sec. 11. Qualifications of permanent members for pensions. Any permanent member of the fire department who has become permanently disabled while in the actual performance of duty in the department shall be entitled to a pension equal to $\frac{1}{2}$ of the pay which such member received at the time of his permanent disability.

Sec. 12. Qualifications of call members for pensions. Any call member of the fire department who has become permanently disabled while in the actual performance of duty in the department shall be entitled to a pension equal to $\frac{1}{2}$ of the lowest salary then paid to any permanent member of the fire department; but not less than \$25 a month.

Sec. 13. Payment of pensions. The pensions hereinbefore specified shall be paid monthly by the city treasurer and no pension shall be allowed unless application therefor shall have been approved by the fire commissioner.

Sec. 14. Pensions, application for. When application is made for pension because of permanent disability incurred while in the performance of duty in the department, the applicant shall satisfy the fire commissioner that he is permanently disabled and that his disability was incurred in the discharge of his duties as a member of the department.

Sec. 15. Granting of pensions. The fire commissioner shall investigate and pass upon all matters pertaining to the pensions of firemen, in accordance with the provisions of this charter, and shall have authority to grant such pensions as provided herein.

Sec. 16. Pensions previously granted to remain valid. Nothing herein contained shall be held to deprive any member of the fire department who may be receiving a pension when this charter takes effect of the benefits of such pension.

Sec. 17. Limitations. The provisions of this article with reference to the retirement benefits in favor of the members of the Lewiston fire department shall apply only to those who became members of the department prior to July 1, 1951.

Any person who shall become a permanent member of said fire department after July 1, 1951 shall, as a condition of employment, become a participating member in the Maine State Retirement System.

Article XVI.

Department of Education.

Sec. 1. Board of education. The affairs of the department of education shall be administered by a board of education of 3 members who shall have all the powers conferred and shall perform all the duties imposed by law upon superintending school committees.

Sec. 2. Appointment of members. The board of education shall be appointed by the mayor for the term of the mayor or until their successors are appointed and qualified. Immediately after appointment the board shall elect one of its members chairman, who shall serve as such for the term of the mayor. The other 2 members of the board shall each receive as full compensation for their services \$10 each meeting but not in excess of \$300 per annum.

Sec. 3. Duties. The board shall have control and management of all school buildings and lots and shall be charged with their repairs and maintenance, but only while such buildings are used for school purposes and shall have the control and care and be charged with the upkeep of all athletic parks and public playgrounds; and it shall have supervision of public recreational activities.

It shall have control and management of the armory as a building devoted to educational purposes while it is used for educational purposes, and while so used it shall be charged with the repairs and maintenance thereof; provided that this act shall not be construed to interfere with or prevent its use at any time for military purposes. Bookings for the use of the armory for public purposes shall be made in such manner and at such rates as the joint board shall from time to time order.

Sec. 4. Officers, agents and employees. The board may employ a superintendent of schools and such janitors, truant officers, directors of recreational activities and other agents and employees as it deems necessary subject to the provisions of article X.

Article XVII.

Department of Health and Welfare.

Sec. 1. Administration of affairs. The affairs of the department of health and welfare shall be administered by a commissioner appointed by the mayor for the term of the mayor or until his successor has been appointed and qualified.

Sec. 2. The Commissioner of Health and Welfare to supervise health officer. The commissioner of health and welfare shall employ a health officer subject to the provisions of article X and subject to the approval of the State Commissioner of Health and Welfare now provided by law. Said health officer shall employ one or more plumbing inspectors subject to the provisions of article X and subject to the approval of the State Commissioner of Health and Welfare as now provided by law. The commissioner of the health and welfare department shall have general supervision over said health officer.

Sec. 3. Management and operation of city farm; public cemeteries. The department of health and welfare shall be charged with the management and operation of the city farm so long as it shall be maintained as such, the promotion of the public health, the supervision of plumbing, including the enforcement of laws and ordinances relating thereto, the disposal of garbage, and the control, care and maintenance of public cemeteries.

Sec. 4. Overseers of the poor. The Commissioner of Health and Welfare shall be and constitute the overseer of the poor and shall perform the duties imposed by law upon overseers of the poor of cities and towns generally.

Sec. 5. City physician. The commissioner may employ a city physician subject to the provisions of article X.

Sec. 6. Employees. The commissioner may employ such superintendents, inspectors, foremen and employees as may be required for the administration of the affairs of the department subject to the provisions of article X. He may delegate to such subordinate officer as he may see fit power and authority to sign for him and in his behalf all notices and other documents which by statute are required to be executed by the overseer of the poor.

Article XVIII.

Public Safety.

Sec. 1. Board of public safety. The police commissioner and the fire commissioner shall be and constitute a board of public safety.

Sec. 2. Police commissioner and fire commissioner may act in conjunction. Upon request of either the police commissioner or the fire commissioner, the 2 commissioners shall meet for discussion of and action upon any matter which may be of joint concern to the 2 commissioners or concerning which uncertainty may exist as to which of the 2 commissioners may have jurisdiction. Any action of the board shall be by unanimous vote.

Referendum. This act shall be submitted for approval or rejection to the qualified voters of the City of Lewiston on the first Tuesday in September A.D., 1959.

The ballot shall be in form substantially as follows:

Official ballot
Adoption of New City Charter
Question

Shall the act entitled "An Act to Revise the Charter of the City of Lewiston" passed by the 99th Legislature be adopted?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Place a cross in the square indicating your choice.

(facsimile signature)

.....
City Clerk

If a majority of the valid ballots shall be marked in the affirmative, then this act shall take effect and the mayor shall forthwith make proclamation thereof, and certificate of the result of said vote shall be filed by the city clerk with the Secretary of State.