

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-ninth Legislature

OF THE

STATE OF MAINE

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Ninety-ninth Legislature

1959

CHAP. 160

PRIVATE AND SPECIAL, 1959

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 equals or exceeds 20% of the total votes for all candidates for Governor cast in the next previous gubernatorial election in said city. If at any such first election, whether it be said regular municipal election or a special election as aforesaid, the total number of votes cast for or against acceptance of this act is less than 20% of the total votes for all candidates for Governor cast in said city in the next previous gubernatorial election, the municipal officers may call not more than one more such special election to be held within the time prescribed above.

The result of such elections shall be declared by the municipal officers of the City of Portland and due certificates thereof filed by the city clerk with the Secretary of State.

Effective September 12, 1959

Chapter 159

AN ACT to Extend the Charter of the Eliot Water District.

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

Extension of powers. The rights, powers and privileges granted the Eliot Water District by chapter 101 of the private and special laws of 1941 and the extending of such rights, powers and privileges granted by chapter 152 of the private and special laws of 1947 and by chapter 35 of the private and special laws of 1951 and by chapter 19 of the private and special laws of 1955 are hereby extended for a term of 4 years from the effective date of this act, and all acts performed under the provisions of such chapters are hereby validated and declared to be legal acts of the district.

Effective September 12, 1959

Chapter 160

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:

'Commencing in 1960, An an election shall be held on the ~~3rd Monday in February of each year~~ **first Monday in October 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 aldermen, 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 October** 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 October, A. D. 1960, to be followed if need be by a run-off election on the 3rd Monday in October 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. 1961, 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~~ **\$3,500** ~~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.'

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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 of 1939, 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~~ \$20 for each meeting of the city council which they shall attend provided that no alderman shall be paid an amount in excess of ~~\$500~~ \$700 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~~ \$10 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~~ 1961, 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. Commencing January 1, 1961 ~~The~~ 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.'

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 Lewiston at the regular municipal election of the city in 1960.

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 Revising Election Provisions in Charter of City of Lewiston, passed by the 99th Legislature, be accepted?" 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 purposes hereof 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 equals or exceeds 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 filed by the city clerk with the Secretary of State.