

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1954, Chapter 10, Section 27, Subsection VI.

KENNEBEC JOURNAL

AUGUSTA, MAINE

1961

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the One Hundredth Legislature

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Sec. 17. **Saving clause.** If any provisions of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

Sec. 18. **Existing statutes not affected; rights conferred subject to provisions of law.** Nothing herein contained is intended to repeal, or shall be construed as repealing, the whole or any part of any existing statutes and the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of the Revised Statutes, chapter 44, and all acts amendatory or additional thereto.

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 Calais at any regular or special election called and held for the purpose within 2 years after the adjournment of the Legislature. Such special election shall be called, advertised and conducted according to the law relating to municipal elections; provided that the board of registration in the City of Calais 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 the 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 sessions. 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 to Incorporate the Calais Water District, passed by the 100th 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 immediately upon its acceptance by a majority of the legal voters voting at such election; but only if 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 such election shall be declared by the municipal officers of the City of Calais and due certificate thereof shall be filed by the city clerk with the Secretary of State.

Effective September 16, 1961

Chapter 147

AN ACT Amending Charter of City of Westbrook.

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

Sec. 1. P. & S. L., 1907, c. 257, § 2, amended. Section 2 of chapter 257 of the private and special laws of 1907, as repealed and replaced by section 1 of chapter 36 of the private and special laws of 1955, is amended to read as follows:

'Sec. 2. Mayor; city council; school committee. The government of said city, with the administration of all its fiscal, prudential and municipal affairs shall be vested in one principal magistrate, to be called the mayor, and in one council of ~~thirteen~~ 9, to be called the city council, the members thereof to be called aldermen. The general management and control of the public schools and of the school property, buildings and grounds, including insurance and repairs on buildings, shall be vested in a school committee of 7, the members thereof to be called school committeemen.'

Sec. 2. P. & S. L., 1907, c. 257, § 4, amended. The first paragraph of section 4 of chapter 257 of the private and special laws of 1907, as repealed and replaced by section 2 of chapter 36 of the private and special laws of 1955, is amended to read as follows:

'The mayor ~~City Clerk~~ and ~~three~~ 4 aldermen shall be elected from the citizens at large, by the legal voters of the city voting in their respective wards. ~~Two aldermen~~ One alderman, a warden, a ward clerk and a constable shall be elected in each ward, being residents in the ward where elected. The city council may divide any ward into 2 or more precincts, and in which event additional wardens, ward clerks and constables shall be elected by each precinct from residents therein. All said officers shall be elected by a plurality of the votes given, and shall hold office for 2 years from the first Monday in January, and until others shall be elected and qualified in their places.'

Sec. 3. P. & S. L., 1907, c. 257, § 6, amended. The 3rd sentence of section 6 of chapter 257 of the private and special laws of 1907 is repealed.

Sec. 4. P. & S. L., 1907, c. 257, § 29, repealed and replaced. Section 29 of chapter 257 of the private and special laws of 1907 is repealed and the following enacted in place thereof:

'Sec. 29. Assessor, election, tenure of office, compensation; advisory board. There shall be one assessor to be elected by a $\frac{3}{4}$ vote of all the members of the city council by a roll-call vote on the 2nd Monday of January following the approval of this act, or as soon as practicable thereafter. He shall hold office until:

1. Retirement, or
2. He resigns and such resignation is accepted by the council, or
3. He is removed for good and sufficient cause, on a complaint made by any 3 members of the council, sustained by a $\frac{2}{3}$ vote of all the members of the city council by a roll-call vote.

The compensation of the assessor shall be fixed by the council but shall not be increased or diminished during the municipal year in which it is fixed.

Upon the death, resignation or removal of the assessor, the council shall elect a new assessor to fill such vacancy as soon as practicable in accordance with this section; but may elect an assessor pro tem to serve in such capacity for a period not in excess of 6 months by a majority vote of all the members of the council and the term of the assessor pro tem shall expire on the election of such new assessor. The compensation of the assessor pro tem shall also be fixed by the council. The assessor shall faithfully perform all the duties of tax assessors

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under the laws of this State and all taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this State, but the city council may establish further or additional provisions for the collection thereof and may authorize the employment of such assistants as it may deem advisable.

There shall also be an assessor's advisory board, whose duty it shall be to render such advice and recommendations to the assessor relative to the assessment, apportionment and abatement of taxes as it may deem advisable, and it shall attend all hearings on petitions for abatement. The board shall be comprised of 3 citizens, residents of the city, to be elected by a majority vote of all the members of the council on the 2nd Monday of January of each year following the approval of this act, or as soon as practicable thereafter. Each member shall serve, without compensation, for a period of 3 years, except that on the 2nd Monday of January following the approval of this act the council shall elect the first 3 members to serve for one, 2 and 3 years respectively. Upon the death, resignation or removal from the city of a member of the board, the vacancy shall be filled for the unexpired term by election by the council.'

Sec. 5. P. & S. L., 1907, c. 257, § 30, sub-§§ I - III, V, repealed. Subsections I, II, III and V of section 30 of chapter 257 of the private and special laws of 1907 are repealed.

Sec. 6. P. & S. L., 1907, c. 257, §§ 30-A - 30-B, additional. Chapter 257 of the private and special laws of 1907 is amended by adding 2 new sections to be numbered 30-A and 30-B, to read as follows:

'Sec. 30-A. Chief of the fire department; superintendent of public works; appointment, tenure of office, compensation, duties. A chief of the fire department and a superintendent of public works shall be appointed by the mayor, with the approval of $\frac{3}{4}$ of the members of the city council by a roll-call vote. Each such appointee shall hold such office until:

1. Retirement; or
2. He resigns and such resignation is accepted by the mayor and council;
or
3. He is removed for good and sufficient cause, on complaint of the mayor, sustained by a $\frac{2}{3}$ vote of all the members of the city council by a roll-call vote.

Upon the death, resignation or removal from office of any such appointee a new appointment shall be made to fill such vacancy as soon as practicable in accordance with this section; but the mayor, with a majority vote of the city council, may fill such vacancy by an appointment pro tem for a period not in excess of 6 months, which term shall expire when such new appointment is made as provided for. The compensation of all such appointees shall be fixed by the council but shall not be increased or diminished during the municipal year in which the compensation is fixed. Such officers shall perform all the duties prescribed by the laws of this State and city ordinances for their respective offices and such other duties not inconsistent with the nature of their respective offices as the mayor or city council may from time to time prescribe.

Sec. 30-B. City clerk; city treasurer-tax collector; appointment, compensation, duties. A city clerk and a city treasurer-tax collector shall be appointed

by the mayor, with the approval of $\frac{3}{4}$ of the members of the city council by a roll-call vote, on the first Monday of January following the approval of this act or as soon as practicable thereafter. The offices of city clerk and city treasurer-tax collector may be held by the same person if so appointed by the mayor and approved by the council.

Each such appointee shall hold office until:

1. Retirement; or
2. He resigns and such resignation is accepted by the mayor and council; or
3. He is removed for good and sufficient cause on complaint of the mayor, sustained by a $\frac{2}{3}$ vote of all the members of the city council by a roll-call vote.

Upon the death, resignation or removal from office of any such appointee, a new appointment shall be made to fill such vacancy as soon as practicable in accordance with this section; but the mayor may fill such vacancy by an appointment pro tem for a period not in excess of 6 months, which term shall expire when such new appointment is made as herein provided for. The compensation of all such appointees shall be fixed by the council but shall not be increased or diminished during the municipal year in which the compensation is fixed. All fees received by such officers shall be accounted for and deposited in the city treasury.

Such officers shall perform all the duties prescribed by the laws of this State and city ordinance for their respective offices and such other duties not inconsistent with the nature of their respective offices as the mayor or city council may from time to time prescribe. They shall give a surety company bond for the faithful performance of the duties of said office and that they will truly account for and pay over all moneys, papers and other property belonging to said city.'

Sec. 7. Inconsistent acts repealed. All acts or parts of acts inconsistent with the provisions of this act are repealed or amended to conform hereto.

Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after the adjournment of the Legislature, only for the purpose of permitting its submission to the voters of the City of Westbrook qualified to vote in municipal elections, at an election to be held on the 2nd Monday in October in the year 1961 and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said city to meet in the several ward meetings of said city, there to cast their ballot to accept or reject the provisions of this act.

The city clerk shall reduce the subject matter of this Act to the following questions:

1. Shall a permanent chief of the fire department be appointed by the mayor with the approval of $\frac{3}{4}$ of the city council?
2. Shall a permanent superintendent of public works be appointed by the mayor with the approval of $\frac{3}{4}$ of the city council?

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3. Shall a full-time city clerk be appointed by the mayor with the approval of $\frac{3}{4}$ of the city council?
4. Shall a full-time city treasurer-tax collector be appointed by the mayor with the approval of $\frac{3}{4}$ of the city council?
5. Shall one full-time assessor and a 3 member citizen advisory board be elected by the city council to replace the present board of 5 assessors?
6. Shall the city council be reduced from 13 to 9 members, with 4 aldermen elected by the citizens at large and one alderman elected by each ward?

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

The provisions of this act as they relate to each question, if adopted by the voters of the city at the election to be held on the 2nd Monday in October, 1961, herein provided for, shall take effect on said date solely for the purpose of nominating and electing officers hereunder at the regular municipal election to be held in December, 1961, and for all other purposes said provisions shall take effect on the first Monday of January, 1962, except that officers elected at the annual election held in December, 1959, shall continue in office until the first Monday in January 1962; provided that the total number of votes cast for and against the acceptance of each question at the election to be held on the 2nd Monday of October equals or exceeds 20% of the total vote for all candidates for Governor in said city at the next previous gubernatorial election.

The result of the vote on each question shall be declared by the municipal officers of the City of Westbrook and due certificate thereof shall be filed by the city clerk with the Secretary of State.

Effective September 16, 1961

Chapter 148

AN ACT Modifying the Notice Required on Finance Board Budget Recommendations to City Council of Lewiston.

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

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 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~~ 96 hours prior thereto causing a summary of their recommendations to be published in the ~~daily~~ newspapers published in Lewiston. Before submission of their recommendations as aforesaid, a public hearing relating to the board's recommendations relating to sal-