

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

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The Knowlton and McLeary Company
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1963

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

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Whereas, it is impractical, at present, to meet the minimum requirement of 300 resident high school pupils in this area; and

Whereas, the Maine School District Commission cannot approve the formation of this proposed district under the criteria set out in the Revised Statutes of 1954, chapter 41, section 111-E; and

Whereas, said chapter 41, section 111-D, provides that the Legislature may establish such School Administrative District; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

School Administrative District for Detroit, Etna, Plymouth, Dixmont and Stetson authorized. The municipalities of Detroit, Etna, Plymouth, Dixmont and Stetson, or any combination thereof, are exempted from the limitations provided in the Revised Statutes of 1954, chapter 41, section 111-E, as amended, and the Maine School District Commission is authorized to proceed pursuant to said chapter 41, sections 111-E-1 to 111-U-1, to take the necessary action to allow the municipalities of Detroit, Etna, Plymouth, Dixmont and Stetson, or any combination thereof, to form a School Administrative District.

Nothing contained herein shall be construed to limit the number of times that the above-named municipalities may make application to the Maine School District Commission, nor shall the authority granted to the Maine School District Commission under this act be limited to any specified number of times for the commission to authorize the above-named municipalities to act on the formation of a School Administrative District.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Effective May 24, 1963

Chapter 171

AN ACT to Increase the Term of Office of the Mayor, City Council, Board of Police and Board of Education, Warden and Ward Clerk for City of Biddeford.

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

Sec. 1. P. & S. L., 1933, c. 66, § 15, amended. The 2nd sentence of section 15 of chapter 66 of the private and special laws of 1933, as amended by section 8 of chapter 85 of the private and special laws of 1935, is repealed and the following enacted in place thereof:

'In each of said wards, following passage and acceptance of this amendment, on the 3rd Monday of December and every 2 years thereafter, shall be chosen by ballot, a warden and clerk who shall hold their offices for 2 years, and until others shall have been chosen and qualified in their places.'

Sec. 2. P. & S. L., 1933, c. 66, § 16, repealed and replaced. Section 16 of chapter 66 of the private and special laws of 1933, as repealed and replaced by section 9 of chapter 84 of the private and special laws of 1941, is repealed and the following enacted in place thereof:

'Sec. 16. Elections. Following the passage and acceptance of this amendment, the mayor shall be elected from the citizens at large by the inhabitants of the city voting in their respective wards and shall hold his office for 2 years from the first day of January following his election. One councilman shall be elected by each ward, being a resident in the ward where elected. Four councilmen-at-large shall be elected from the citizens by the inhabitants of the city. Said officers shall be elected by ballot by a plurality of the votes given, and they shall hold their office for 2 years from the first day of January following their election in December, and until others shall be elected and qualified in their stead. On the 3rd Monday of December and every 2nd year thereafter, following the passage and acceptance of this amendment, the qualified electors of each ward shall ballot for a warden and ward clerk, one councilman, all inhabitants of said ward; a mayor and 4 councilmen-at-large; 2 members of the board of education whose term of office shall be for 4 years, and one member of the board of police, whose term of office shall be for 6 years, except as otherwise provided in section 27. Vacancies in the office of mayor or city council may also be filled at a special election, duly called by law therefor.'

Sec. 3. P. & S. L., 1933, c. 66 § 17, amended. The first sentence of section 17 of chapter 66 of the private and special laws of 1933, as repealed and replaced by section 10 of chapter 84 of the private and special laws of 1941, is repealed and the following enacted in place thereof:

'On the 3rd Monday of December, after the passage and acceptance of this amendment, and every 2nd year thereafter, the qualified electors of each ward shall ballot for a mayor, 4 councilmen-at-large from the city and one councilman, a resident of the ward, 2 members of board of education, whose term shall be for 4 years, one member of the board of police, whose term shall be for 6 years, except as otherwise provided in section 27, warden and ward clerk, except that no person shall hold the office of mayor for more than 2 full consecutive terms.'

Sec. 4. P. & S. L., 1933, c. 66, § 17, amended. The 6th and 7th sentences of section 17 of chapter 66 of the private and special laws of 1933, as repealed and replaced by section 10 of chapter 84 of the private and special laws of 1941, are repealed and the following enacted in place thereof:

'In balloting for mayor, members of the board of education, members of the board of police, and 4 councilmen-at-large, the persons receiving the highest number of votes given in all wards shall be declared elected. On the 3rd Monday of December, biennially, following the first election held hereunder, the qualified

electors of each ward shall ballot for a mayor, members of the board of education, members of the board of police, 4 councilmen-at-large, warden and ward clerk, and councilman for that particular ward.'

Sec. 5. P. & S. L., 1933, c. 66, § 27, repealed and replaced. Section 27 of chapter 66 of the private and special laws of 1933, as last repealed and replaced by section 1 of chapter 84 of the private and special laws of 1941, is repealed and the following enacted in place thereof:

'Sec. 27. Board of police. The administration of the police department of the City of Biddeford shall be under the jurisdiction of a board of police consisting of 3 citizens of the City of Biddeford which will constitute a board of police of said Biddeford and who shall be sworn before entering upon the duties of their office. The term of office of said members of the board of police elected after the passage and acceptance of this amendment shall be 6 years, except as otherwise provided below. The term of office of all members of said board of police shall commence on the first day of the first January following their qualifying for such office. All nominations shall be made and elections held under the laws which govern the nomination and election of the mayor and councilmen of the City of Biddeford. Nothing contained herein shall alter or in any manner change the term of office of the present members of said board of police of said City of Biddeford. Following the passage and acceptance of this amendment, one member of the board of police shall be elected for a term of 6 years and one member of the board of police shall be elected for a term of 4 years. Thereafter, one member of the board of police shall be elected for a term of 6 years every 2nd year commencing after the first election held following the passage and acceptance of this amendment. The mayor of the City of Biddeford shall be an ex-officio member of the board of police for a term of one year following the passage and acceptance of this amendment, but not thereafter. Vacancies in said board of police shall be temporarily filled by the city council, and the member so chosen to fill said vacancy shall hold office until his successor is chosen at the next biennial municipal election to fill the unexpired term. The board shall annually elect one of their number chairman and one of their number clerk, who shall be sworn and shall keep a record of all proceedings, issue all notices, and attest all such papers and orders as the board directs.'

Sec. 6. P. & S. L., 1933, c. 66, § 31, repealed and replaced. Section 31 of chapter 66 of the private and special laws of 1933 is repealed and the following enacted in place thereof:

'Sec. 31. Board of education. The education department of the City of Biddeford shall be administered by a board of education, consisting of the mayor who shall be ex officio, chairman of the board, and 4 other persons, 2 of whom shall be elected every 2nd year for a term of 4 years after the passage and acceptance of this amendment, at the next municipal election. The term of office of the 2-year member of said board shall terminate on the first day of January of the 2nd year following the passage and acceptance of this amendment and during his last term in office, he shall be a member ex officio, and the term of office of the 3rd and 4th year members shall terminate on the first day of the 3rd and 4th January thereafter, respectively. The terms of office of the mem-

bers of the board of education shall be for a period of 4 years. They shall be nominated and elected in the manner provided by law for the nomination and election of mayor of the city. Not more than one resident in any ward, exclusive of the mayor, shall be elected a member of the board of education, by the same political party.'

Sec. 7. P. & S. L., 1933, c. 66, § 32, amended. Section 32 of chapter 66 of the private and special laws of 1933 is amended to read as follows:

'Sec. 32. Vacancies; how filled. In the event of a vacancy in said board, other than in the position of mayor, from any cause, such vacancy shall be filled by the city council until the next ~~annual~~ biennial municipal election, when an election shall be held for said unexpired term.'

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 Biddeford at a special election called and held for the purpose. Such special election shall be held not later than December 1, 1963. Without fail, such special election shall be called, advertised and conducted according to the law relating to municipal elections; provided that the board of registration in said city shall not be required to prepare, 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 prior to such special election, the first and 2nd days thereof to be devoted to the registration of voters and the 3rd day to enable the board to verify the corrections of said list and to complete and close up their records of said sessions.

The city clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: "Shall elections in the City of Biddeford be held biennially, as provided in an act passed by the 101st Legislature?"

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

The provisions of this act shall become effective upon the declaration of the mayor and city council of the City of Biddeford, only if the majority of the votes cast by the legal voters of said city are in favor of the acceptance of such question and provided further that the total number of votes cast for and against the acceptance of such question 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 Biddeford and due certificate filed by the city clerk with the Secretary of State.