

MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 484

H. P. 438

House of Representatives, February 3, 1955

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

HARVEY R. PEASE, Clerk

Presented by Mr. Malenfant of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Amending the Charter of the City of Lewiston re Appointments by Mayor and Membership and Terms of Boards and Commissions.

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

Sec. 1. P. & S. L., 1939, c. 8, Art. IV, § 4, additional. Article IV of chapter 8 of the private and special laws of 1939 is hereby amended by adding thereto a new section to be numbered 4, to read as follows :

‘Sec. 4. Controller, collector of taxes, city treasurer, chief auditor, board of assessors; appointments, terms, vacancies. The mayor shall appoint a controller who shall be the executive officer and clerk of the board of finance; a collector of taxes and a city treasurer, both of which offices may be held by the same person; and a chief auditor. All of said appointments shall be for 1 year or until their respective successors are appointed and qualified.

The mayor shall also appoint a board of assessors of 3 members, whose terms shall be 3 years, save that when appointing the first board, he shall designate the member whose term shall expire at the expiration of each period of 1 year for 3 years thereafter; provided that in the first instance, a board of assessors shall not be appointed until the then existing board of assessors shall have completed the assessment of taxes for the current year and shall have issued their warrant of commitment as provided by section 48 of chapter 92 of the Revised Statutes of 1954. The assessors shall make report to the mayor at least once a month of all abatements of taxes by them granted.

The controller, collector of taxes, city treasurer, chief auditor and board of assessors shall have authority to employ such clerical assistance as may be required for the administration of the affairs of their respective offices, prescribe

their duties, fix their compensation subject to the approval of the board of finance and terminate their employment at pleasure.

Vacancies occurring in any of the offices so appointed shall be filled by appointment by the mayor for the unexpired term.'

Sec. 2. P. & S. L., 1939, c. 8, Art. VIII, § 1, repealed and replaced. Section 1 of article VIII of chapter 8 of the private and special laws of 1939 is hereby repealed and the following enacted in place thereof:

'**Sec. 1. Appointment; term.** The board of finance 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 board, the mayor shall designate the member whose term shall expire at the expiration of each period of 1 year for 3 years thereafter.'

Sec. 3. P. & S. L., 1939, c. 8, Art. VIII, § 12, repealed. Section 12 of article VIII of chapter 8 of the private and special laws of 1939, as amended by section 2 of chapter 209 of the private and special laws of 1949, is hereby repealed.

Sec. 4. P. & S. L., 1939, c. 8, Art. X, § 1, repealed and replaced. Section 1 of article X of chapter 8 of the private and special laws of 1939 is hereby repealed and the following enacted in place thereof:

'**Sec. 1. Members of board; appointment, term, vacancies.** The affairs of the department of public works shall be administered by a board 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 board, the mayor shall designate the member whose term shall expire at the expiration of each period of 1 year for 3 years thereafter.

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 the period of 1 month after the vacancy shall occur, it shall be filled by the remaining members of the board.'

Sec. 5. P. & S. L., 1939, c. 8, Art. XI, § 1, repealed and replaced. Section 1 of article XI; of chapter 8 of the private and special laws of 1939, as amended, is hereby repealed and the following enacted in place thereof:

'**Sec. 1. Police department; how constituted.** The police department shall be administered by a police commission of 3 members, hereinafter in this article referred to as the commission, 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, the mayor shall designate the member whose term shall expire at the expiration of each year for 3 years thereafter. Vacancies occurring in the commission shall be filled by appointment by the mayor for the unexpired term, provided that if no appointment be made for the period of 1 month after the vacancy shall occur, it shall be filled by the remaining members of the commission.

The commission shall appoint a chief of police, and it may appoint 3 captains of police, 1 captain of detectives, 3 lieutenants of police, 4 sergeants of police,

1 police matron, 1 police clerk and such number of patrolmen, not to exceed 1 for each 900 of the population of the city, as the commission shall deem necessary, the entire personnel of which, as existing when this act takes effect, shall continue subject to the provisions of this Article XI. The commission may employ such other employees of the department as it shall deem necessary, prescribe their duties, fix their compensation subject to the approval of the board of finance and terminate their employment at pleasure.

The commission shall fix the compensation of the personnel of the police department subject to the approval of the board of finance.'

Sec. 6. P. & S. L., 1939, c. 8, Art. XI, § 2, repealed. Section 2 of article XI of chapter 8 of the private and special laws of 1939, as amended by section 2 of chapter 131 of the private and special laws of 1945 and by section 2 of chapter 177 of the private and special laws of 1947, is hereby repealed.

Sec. 7. P. & S. L., 1939, c. 8, Art. XII, § 2, repealed and replaced. Section 2 of article XII of chapter 8 of the private and special laws of 1939, as amended by chapter 176 of the private and special laws of 1947, is hereby repealed and the following enacted in place thereof:

'Sec. 2. Fire department; how constituted. The affairs of the fire department shall be administered by a fire commission 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, the mayor shall designate the member whose term shall expire at the expiration of each year for 3 years thereafter. Vacancies occurring in the commission shall be filled by appointment by the mayor for the unexpired term; provided that if no appointment be made for the period of 1 month after the vacancy shall occur, it shall be filled by the remaining members of the commission.'

Sec. 8. P. & S. L., 1939, c. 8, Art. XIII, § 1, repealed and replaced. Section 1 of article XIII of chapter 8 of the private and special laws of 1939, is hereby repealed and the following enacted in place thereof:

'Sec. 1. Board of education; appointment, vacancies. The affairs of the department of education shall be administered by a board of education of 3 members, who may have all the powers conferred and shall perform all the duties imposed by law upon superintending school committees. The 3 members of the board of education shall 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 board, the mayor shall designate the member whose term shall expire at the expiration of each period of 1 year for 3 years thereafter.

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 the period of 1 month after the vacancy shall occur, it shall be filled by the remaining members of the board.'

Sec. 9. P. & S. L., 1939, c. 8, Art. XII, § 2, repealed. Section 2 of article XIII of chapter 8 of the private and special laws of 1939, as amended by chapter 171 of the private and special laws of 1951, is hereby repealed.

Sec. 10. P. & S. L., 1939, c. 8, Art. XIV, § 1, repealed and replaced. Section 1 of article XIV of chapter 8 of the private and special laws of 1939 is hereby repealed and the following enacted in place thereof:

'Sec. 1. Administration of affairs. The affairs of the department of health and welfare shall be administered by a board 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 board, the mayor shall designate the member whose term shall expire at the expiration of each period of 1 year for 3 years thereafter.

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 the period of 1 month after the vacancy shall occur, it shall be filled by the remaining members of the board.'

Sec. 11. P. & S. L., 1939, c. 8, Art. XV-A, § 1, repealed and replaced. Section 1 of article XV-A of chapter 8 of the private and special laws of 1939, as enacted by chapter 174 of the private and special laws of 1951, is hereby repealed and the following enacted in place thereof:

'Sec. 1. Zoning board; appointment, term, vacancies. The affairs of the zoning board shall be administered by 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 board, the mayor shall designate the member whose term shall expire at the expiration of each year for 3 years thereafter.

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 the period of 1 month after the vacancy shall occur, it shall be filled by the remaining members of the board.'

Sec. 12. P. & S. L., 1939, c. 8, Art. XVI, § 2, repealed. Section 2 of article XVI of chapter 8 of the private and special laws of 1939, as amended by section 28 of chapter 86 of the private and special laws of 1943, is hereby repealed.

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 next regular municipal election. The city clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following questions:

"Shall the mayor of Lewiston appoint the controller, collector of taxes, city treasurer, chief auditor and board of assessors?"

"Shall the board of finance, department of public works, police department, fire department, department of education, department of health and welfare and the zoning board be composed of 3 members to be appointed by the mayor of Lewiston for a term of 3 years?" and 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 accept-

ance by a majority of the legal voters at said election, provided that the total number of votes cast for and against the acceptance of this act equals or exceeds 20% of the total vote cast for all candidates for Governor in said city at the next previous gubernatorial election.

The result of said vote shall be determined by the municipal officers of the city of Lewiston and due certificate thereof filed by the city clerk with the Secretary of State.