

MAINE STATE LEGISLATURE

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NINETY-SEVENTH LEGISLATURE

Legislative Document

No. 262

H. P. 278

House of Representatives, January 27, 1955.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Davis of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Amending the Charter of the 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 P. & S. L., 1907, c. 257, § 2, repealed and replaced. Section 2 of chapter 257 of the private and special laws of 1907 is hereby repealed and the following enacted in place thereof :

‘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, 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 seven, the members thereof to be called school committeemen.’

Sec. 2. P. & S. L., 1907, c. 257, § 4, repealed and replaced. Section 4 of chapter 257 of the private and special laws of 1907, as amended by section 1 of chapter 133 of the private and special laws of 1953, is hereby repealed and the following enacted in place thereof :

‘Sec. 4. Mayor, city clerk, aldermen and other officers; how elected, terms. The mayor, the city clerk, 3 aldermen and 2 school committeemen shall be elected from the citizens at large, by the legal voters of the city voting in their respective wards. Two aldermen, a school committeeman, a warden, a ward clerk and one constable shall be elected by each ward, being residents in the ward where elected. All of said officers shall be elected by ballot by a plurality of the votes given, and shall hold their offices for 2 years from the first Monday in

January, and until others shall be elected and qualified in their places. All city and ward officers shall be held to discharge the duties of their respective offices, notwithstanding their removal after the election into any other ward in the city; but they shall not be so held after they have taken up their permanent residence out of the city.'

Sec. 3. P. & S. L., 1907, c. 257, § 5, amended. The 1st sentence of section 5 of chapter 257 of the private and special laws of 1907 is hereby amended to read as follows:

'The municipal elections after the first shall take place ~~annually~~ **biennially** on the second Monday in December.'

Sec. 4. P. & S. L., 1907, c. 257, § 6, amended. Section 6 of chapter 257 of the private and special laws of 1907 is hereby amended by adding at the end thereof a new sentence to read as follows:

'A vacancy occurring in the school committee by death, resignation or removal from the city, of any member thereof, shall be filled for the unexpired term by a plurality vote of the remaining members, from the ward where it occurs, or if at large from any ward.'

Sec. 5. P. & S. L., 1907, c. 257, § 9, amended. Section 9 of chapter 257 of the private and special laws of 1907 is hereby amended to read as follows:

'**Sec. 9. Mayor, aldermen and other officers to be sworn; how, when and by whom.** The mayor-elect and the aldermen-elect shall ~~annually~~ **biennially**, on the first Monday of January, at ~~seven o'clock and thirty minutes in the afternoon~~ **7:30 P. M.**, meet and be sworn to the faithful discharge of their duties. The oath shall be administered ~~at their first meeting after the acceptance of this act, by the town clerk or any justice of the peace, and in subsequent years~~ by the city clerk or any justice of the peace, and shall be duly certified on the journal of the city council. The city clerk shall be sworn by the city clerk of the previous ~~year~~ **term** or any justice of the peace. In case of the absence of the mayor-elect on the first Monday in January **of the biennium**, or if a mayor shall not then have been elected, the oath of office may at any time thereafter be administered to him in the presence of the city council; and at any time thereafter, in a like manner, the oath of office may be administered to any member of the city council who has been previously absent, or has been subsequently elected; and every such oath shall be duly certified as aforesaid.'

Sec. 6. P. & S. L., 1907, c. 257, § 22, amended. Section 22 of chapter 257 of the private and special laws of 1907 is hereby amended to read as follows:

'**Sec. 22. Members of council to hold no other office, etc.** ~~The members~~ **No** member of the city council shall ~~receive no compensation for their services; nor shall any member,~~ during the time for which he is elected, hold any other office in or under the city government, have the expenditures of any money appropriated by the city council, or act as counsel in any matter before the city council or any committee thereof; and no person shall be eligible for appointment to any municipal office established by the city council during any municipal year within which he was a member thereof, until the expiration of the succeeding municipal year.'

Sec. 7. P. & S. L., 1907, c. 257, § 23, amended. Section 23 of chapter 257 of the private and special laws of 1907 is hereby amended to read as follows:

'Sec. 23. Executive powers vested in mayor; term of office. The executive powers of the city shall be vested wholly in the mayor, and may be exercised by him either personally or through the several officers and boards of the city in their departments, under his general supervision and control. In case of a vacancy in any office to which appointment is made by the mayor, he may personally perform the duties thereof, but he shall not be entitled to receive any salary or pay attached thereto. The mayor shall hold office for the term of ~~one year~~ **two years** from the first Monday in January following his election, unless sooner removed, and until his successor is elected and qualified.'

Sec. 8. P. & S. L., 1907, c. 257, § 28, amended. The 2nd sentence of section 28 of chapter 257 of the private and special laws of 1907 is hereby amended to read as follows:

'On the first Monday of January, ~~annually~~ **biennially**, or as soon as may be thereafter, they shall meet, and the newly elected members, having been first duly sworn by the city clerk or a justice of the peace, shall elect one of their number chairman, and appoint some suitable person, not a member of the board, superintendent of schools, and may adopt such rules and regulations for the management of the schools as are not inconsistent with the laws of the state.'

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 qualified voters of the city of Westbrook at the next regular city election to be held on the 2nd Monday in December, 1955, an appropriate article being inserted in the call for such election.

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

1. "Shall all elective officers of the city hold office for 2 years?"
2. "Shall the prohibition against aldermen receiving compensation be removed?"

The provisions of this act, as they relate to each question, shall become effective only if the majority of the votes cast by the legal voters of said city is in favor of the acceptance of such question and provided further that the total number of votes cast for and against the acceptance of each question at said election equals or exceeds 20% of the total vote for all candidates for Governor in said city at the next previous gubernatorial election. If the amendments under question 1 are accepted, all officers elected at the city election on the 2nd Monday in December, 1955 shall hold office for 2 years from the first Monday in January, 1956; and all school committeemen whose terms of office do not expire in January, 1956 shall hold office until the first Monday in January, 1958.

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.